

# As Pending in House Finance and Appropriations Committee

127th General Assembly

Regular Session

2007-2008

Sub. H. B. No. 119

Representative Dolan

—

## A BILL

To amend sections 9.821, 9.822, 9.823, 9.83, 107.12, 1  
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to amend, for the purpose of adopting new section	78
numbers as indicated in parentheses, sections	79
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(1506.40), 1521.23 (1506.41), 1521.24 (1506.42),	81
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(3702.59), 5101.521 (9.15), 5111.95 (5111.033),	85
and 5111.96 (5111.034); to enact new sections	86
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6111.441 of the Revised Code; to amend Section	113
310.10 of Am. Sub. H.B. 67 of the 127th General	114
Assembly; to amend Section 252.70 of Am. Sub. H.B.	115
530 of the 126th General Assembly, to amend	116
Section 153 of Am. Sub. H.B. 117 of the 121st	117
General Assembly, as subsequently amended, to	118
amend the version of section 127.16 of the Revised	119
Code that is scheduled to take effect July 1,	120
2007, and to repeal the version of section 3702.68	121
of the Revised Code that was to have taken effect	122
July 1, 2007, to make operating appropriations for	123
the biennium beginning July 1, 2007, and ending	124

June 30, 2009, and to provide authorization and 125  
conditions for the operation of state programs; to 126  
confirm and order implementation of sections 127  
9.833, 9.90, 3311.19, 3313.12, 3313.202, 3313.33, 128  
4117.03, and 4117.08 and to confirm and order 129  
complete implementation of section 9.901 of the 130  
Revised Code as the sections result from Am. Sub. 131  
H.B. 66 of the 126th General Assembly; to repeal 132  
Section 611.03 of Am. Sub. H.B. 66 of the 126th 133  
General Assembly; and to amend sections 9.90, 134  
9.901, 3313.202, 3313.33, and 4117.03 of the 135  
Revised Code to make other specifications 136  
pertaining to that implementation as have become 137  
necessary; and to terminate operation of section 138  
5101.213 of the Revised Code on July 1, 2008, by 139  
repealing the section on that date. 140

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

**Section 101.01.** That sections 9.821, 9.822, 9.823, 9.83, 141  
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and 6131.23 be amended; sections 1521.20 (1506.38), 1521.21 198  
(1506.39), 1521.22 (1506.40), 1521.23 (1506.41), 1521.24 199  
(1506.42), 1521.25 (1506.43), 1521.26 (1506.44), 1521.27 200  
(1506.45), 1521.28 (1506.46), 1521.29 (1506.47), 1521.30 201  
(1506.48), 3702.63 (3702.591), 3702.68 (3702.59), 5101.521 (9.15), 202  
5111.95 (5111.033), and 5111.96 (5111.034) be amended for the 203  
purpose of adopting new section numbers as indicated in 204  
parentheses; and new sections 3318.47, 5101.521, and 5123.16 and 205  
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5907.16, and 6111.0381 of the Revised Code be enacted to read as 220

follows: 221

**Sec. ~~5101.521~~ 9.15.** When the body of a dead person is found 222  
in a township or municipal corporation, and such person was not an 223  
inmate of a correctional, benevolent, or charitable institution of 224  
this state, and the body is not claimed by any person for private 225  
interment or cremation at the person's own expense, or delivered 226  
for the purpose of medical or surgical study or dissection in 227  
accordance with section 1713.34 of the Revised Code, it shall be 228  
disposed of as follows: 229

(A) If the person was a legal resident of the county, the 230  
proper officers of the township or municipal corporation in which 231  
the person's body was found shall cause it to be buried or 232  
cremated at the expense of the township or municipal corporation 233  
in which the person had a legal residence at the time of death. 234

(B) If the person had a legal residence in any other county 235  
of the state at the time of death, the superintendent of the 236  
county home of the county in which such body was found shall cause 237  
it to be buried or cremated at the expense of the township or 238  
municipal corporation in which the person had a legal residence at 239  
the time of death. 240

(C) If the person was an inmate of a correctional institution 241  
of the county or a patient or resident of a benevolent institution 242  
of the county, the person had no legal residence in the state, or 243  
the person's legal residence is unknown, the superintendent shall 244  
cause the person to be buried or cremated at the expense of the 245  
county. 246

Such officials shall provide, at the grave of the person or, 247  
if the person's cremated remains are buried, at the grave of the 248  
person's cremated remains, a stone or concrete marker on which the 249  
person's name and age, if known, and date of death shall be 250  
inscribed. 251



A political subdivision is not relieved of its duty to bury 252  
or cremate a person at its expense under this section when the 253  
body is claimed by an indigent person. 254

**Sec. 9.821.** (A) The department of administrative services 255  
shall direct and manage for state agencies all risk management and 256  
insurance programs authorized under section 9.822 of the Revised 257  
Code. 258

(B) The office of risk management is hereby established 259  
within the department of administrative services. The director of 260  
administrative services, or a deputy director appointed by the 261  
director, shall control and supervise the office. 262

(C) The office may take any of the following actions that it 263  
determines to be in the best interests of the state: 264

(1) Provide all insurance coverages for the state, including, 265  
but not limited to, automobile liability, casualty, property, 266  
public liability, and, ~~except as provided in division (C)(6) of~~ 267  
~~this section,~~ fidelity ~~bond insurance~~ bonding. The cost of 268  
insurance coverage shall be paid from appropriations made to the 269  
state agencies that the office has designated to receive the 270  
coverage. 271

(2) Provide coverage of legal expenses that are necessary and 272  
related to the legal defense of claims against the state; 273

(3) Purchase insurance policies consistent with sections 274  
125.01 to 125.111 of the Revised Code, develop and administer 275  
self-insurance programs, or do both; 276

(4) Consolidate and combine state insurance coverages; 277

(5) Provide technical services in risk management and 278  
insurance to state agencies; 279

~~(6)(a) Establish and administer a self-insured fidelity bond 280  
program for a particular class or subclass of state officer, 281~~

~~employee, or agent, if, prior to the establishment and~~ 282  
~~administration of this program, the director does both of the~~ 283  
~~following:~~ 284

~~(i) Holds a hearing in accordance with Chapter 119. of the~~ 285  
~~Revised Code to determine whether fidelity bond insurance for that~~ 286  
~~particular class or subclass of state officer, employee, or agent~~ 287  
~~is available in the voluntary market;~~ 288

~~(ii) If, as a result of that hearing, the director determines~~ 289  
~~that fidelity bond insurance for a particular class or subclass of~~ 290  
~~state officer, employee, or agent is unavailable in the voluntary~~ 291  
~~market and that the absence of this insurance threatens the~~ 292  
~~operation of state government and will be detrimental to the~~ 293  
~~general welfare of the citizens of this state, adopts rules in~~ 294  
~~accordance with Chapter 119. of the Revised Code to establish~~ 295  
~~standards and procedures governing the establishment,~~ 296  
~~administration, and termination of the fidelity bond program for~~ 297  
~~that particular class or subclass of state officer, employee, or~~ 298  
~~agent.~~ 299

~~(b) Division (C)(6)(a) of this section does not apply to any~~ 300  
~~self-insured blanket fidelity bond program that, on September 20,~~ 301  
~~1993, has been established pursuant to section 9.831 of the~~ 302  
~~Revised Code.~~ 303

~~(7) Except as provided in division (C)(6) of this section,~~ 304  
~~adopt Adopt and publish, in accordance with section 111.15 of the~~ 305  
~~Revised Code, necessary rules and procedures governing the~~ 306  
~~administration of the state's insurance and risk management~~ 307  
~~activities.~~ 308

(D) No state agency, except a state agency exempted under 309  
section 125.02 or 125.04 of the Revised Code from the department's 310  
purchasing authority, shall purchase any insurance described in 311  
this section except as authorized by the department, when the 312

office of risk management determines that the purchase is in the 313  
best interest of the state pursuant to division (C)(1) of this 314  
section, and in accordance with terms, conditions, and procurement 315  
methods established by the department. 316

(E) With respect to any civil action, demand, or claim 317  
against the state that could be filed in the court of claims, 318  
nothing in sections 9.82 to 9.823 of the Revised Code shall be 319  
interpreted to permit the settlement or compromise of those civil 320  
actions, demands, or claims, except in the manner provided in 321  
Chapter 2743. of the Revised Code. 322

**Sec. 9.822.** (A) The department of administrative services 323  
through the office of risk management shall establish an insurance 324  
plan or plans that may provide for self-insurance or the purchase 325  
of insurance, or both, for ~~any~~ either of the following purposes: 326

(1) Insuring state real and personal property against losses 327  
occasioned by fire, windstorm, or other accidents and perils; 328

(2) Insuring the state and its officers and employees against 329  
liability resulting from any civil action, demand, or claim 330  
against the state or its officers and employees arising out of any 331  
act or omission of an officer or employee in the performance of 332  
official duties, except acts and omissions for which 333  
indemnification is prohibited under section 9.87 of the Revised 334  
Code. 335

~~(3) Insuring~~ (B) The department of administrative services 336  
through the office of risk management shall establish one or more 337  
insurance plans that provide for the purchase of insurance for the 338  
purpose of insuring the state through the fidelity bonding of 339  
state officers, employees, and agents who are required by law to 340  
provide a fidelity bond. Nothing in this section shall be 341  
construed to allow the department of administrative services 342  
through the office of risk management to administer the state's 343

fidelity bonding program through a program of self-insurance. 344

~~(B)(1) Prior to the establishment of any self insured 345  
fidelity bond program for a particular class or subclass of state 346  
officer, employee, or agent authorized pursuant to division (A)(3) 347  
of this section, the director of administrative services shall 348  
follow the procedures for holding a hearing and adopting rules set 349  
forth in division (C)(6)(a) of section 9.821 of the Revised Code. 350~~

~~(2) Division (B)(1) of this section does not apply to any 351  
self-insured blanket fidelity bond program that, on September 20, 352  
1993, has been established pursuant to section 9.831 of the 353  
Revised Code. 354~~

~~(3) The director shall prepare annually a written report 355  
detailing any self-insured fidelity bond program established 356  
pursuant to division (A)(3) of this section. The report shall 357  
include, but is not limited to, information relating to premiums 358  
collected, income from recovery, loss experience, and 359  
administrative costs of the program. A copy of the report, 360  
together with a copy of those portions of the most recent reports 361  
submitted under division (D) of section 9.823 of the Revised Code 362  
that pertain to any such self-insured fidelity bond program, shall 363  
be submitted to the speaker of the house of representatives and 364  
the president of the senate by the last day of March of each year. 365~~

**Sec. 9.823.** (A) All contributions collected by the director 366  
of administrative services under division (E) of this section 367  
shall be deposited into the state treasury to the credit of the 368  
risk management reserve fund, which is hereby created. The fund 369  
shall be used to provide insurance and self-insurance for the 370  
state under ~~section~~ sections 9.822 and 9.83 of the Revised Code. 371  
All investment earnings of the fund shall be credited to it. 372

(B) The director, through the office of risk management, 373  
shall operate the risk management reserve fund on an actuarially 374

sound basis. 375

(C) Reserves shall be maintained in the risk management 376  
reserve fund in any amount that is necessary and adequate, in the 377  
exercise of sound and prudent actuarial judgment, to cover 378  
potential liability claims, expenses, fees, or damages. Money in 379  
the fund may be applied to the payment of liability claims that 380  
are filed against the state in the court of claims and determined 381  
in the manner provided for under Chapter 2743. of the Revised 382  
Code. The director may procure the services of a qualified 383  
actuarial firm for the purpose of recommending the specific amount 384  
of money that would be required to maintain adequate reserves for 385  
a given period of time. 386

(D) A report of the amounts reserved and disbursements made 387  
from the reserves, together with a written report of a competent 388  
property and casualty actuary, shall be submitted, on or before 389  
the last day of March for the preceding calendar year, to the 390  
speaker of the house of representatives and the president of the 391  
senate. The actuary shall certify the adequacy of the rates of 392  
contributions, the sufficiency of excess insurance, and whether 393  
the amounts reserved conform to the requirements of this section, 394  
are computed in accordance with accepted loss reserving standards, 395  
and are fairly stated in accordance with sound loss reserving 396  
principles. The report shall include disbursements made for the 397  
administration of the fund, including claims paid, cost of legal 398  
representation of state agencies and employees, and fees paid to 399  
consultants. 400

(E) The director shall collect from each state agency or any 401  
participating state body its contribution to the risk management 402  
reserve fund for the purpose of purchasing insurance or 403  
administering self-insurance programs for coverages authorized 404  
under ~~section~~ sections 9.822 and 9.83 of the Revised Code. The 405  
contribution shall be determined by the director, with the 406

approval of the director of budget and management, and shall be 407  
based upon actuarial assumptions and the relative risk and loss 408  
experience of each state agency or participating state body. The 409  
contribution shall further include a reasonable sum to cover the 410  
department's administrative costs. 411

**Sec. 9.83.** (A) The state and any political subdivision may 412  
procure a policy or policies of insurance insuring its officers 413  
and employees against liability for injury, death, or loss to 414  
person or property that arises out of the operation of an 415  
automobile, truck, motor vehicle with auxiliary equipment, 416  
self-propelling equipment or trailer, aircraft, or watercraft by 417  
the officers or employees while engaged in the course of their 418  
employment or official responsibilities for the state or the 419  
political subdivision. The state is authorized to expend funds to 420  
pay judgments that are rendered in any court against its officers 421  
or employees and that result from such operation, and is 422  
authorized to expend funds to compromise claims for liability 423  
against its officers or employees that result from such operation. 424  
No insurer shall deny coverage under such a policy, and the state 425  
shall not refuse to pay judgments or compromise claims, on the 426  
ground that an automobile, truck, motor vehicle with auxiliary 427  
equipment, self-propelling equipment or trailer, aircraft, or 428  
watercraft was not being used in the course of an officer's or 429  
employee's employment or official responsibilities for the state 430  
or a political subdivision unless the officer or employee who was 431  
operating an automobile, truck, motor vehicle with auxiliary 432  
equipment, or self-propelling equipment or trailer is convicted of 433  
a violation of section 124.71 of the Revised Code as a result of 434  
the same events. 435

(B) Funds shall be reserved as necessary, in the exercise of 436  
sound and prudent actuarial judgment, to cover potential expense, 437  
fees, damage, loss, or other liability. The ~~superintendent of~~ 438

~~insurance office of risk management~~ may recommend or, if the state 439  
requests of the ~~superintendent office of risk management~~, shall 440  
recommend, a specific amount for any period of time that, in the 441  
~~superintendent's~~ opinion of the office of risk management, 442  
represents such a judgment. 443

(C) Nothing in this section shall be construed to require the 444  
department of administrative services to purchase liability 445  
insurance for all state vehicles in a single policy of insurance 446  
or to cover all state vehicles under a single plan of 447  
self-insurance. 448

(D) Insurance procured by the state pursuant to this section 449  
shall be procured as provided in section 125.03 of the Revised 450  
Code. 451

(E) For purposes of liability insurance procured under this 452  
section to cover the operation of a motor vehicle by a prisoner 453  
for whom the insurance is procured, "employee" includes a prisoner 454  
in the custody of the department of rehabilitation and correction 455  
who is enrolled in a work program that is established by the 456  
department pursuant to section 5145.16 of the Revised Code and in 457  
which the prisoner is required to operate a motor vehicle, as 458  
defined in section 4509.01 of the Revised Code, and who is engaged 459  
in the operation of a motor vehicle in the course of the work 460  
program. 461

~~(F) There is hereby created in the state treasury the vehicle 462  
liability fund. All contributions collected by the director of 463  
administrative services under division (I) of this section shall 464  
be deposited into the fund. The fund shall be used to provide 465  
insurance and self insurance for the state under this section. All 466  
investment earnings of the fund shall be credited to it risk 467  
management reserve fund created in section 9.823 of the Revised 468  
Code to the credit of the vehicle liability program. 469~~

(G) ~~The director of administrative services, through the office of risk management, shall operate the vehicle liability fund on an actuarially sound basis.~~ 470  
471  
472

~~(H)~~ Reserves shall be maintained in the ~~vehicle liability~~ 473  
risk management reserve fund to the credit of the vehicle 474  
liability program in any amount that is necessary and adequate, in 475  
the exercise of sound and prudent actuarial judgment, to cover 476  
potential liability claims, expenses, fees, or damages. Money in 477  
the fund may be applied to the payment of liability claims that 478  
are filed against the state in the court of claims and determined 479  
in the manner provided in Chapter 2743. of the Revised Code. The 480  
director of administrative services may procure the services of a 481  
qualified actuarial firm for the purpose of recommending the 482  
specific amount of money that is required to maintain adequate 483  
reserves for a specified period of time. 484

~~(I)~~~~(H)~~ The director of administrative services shall collect 485  
from each state agency or any participating state body its 486  
contribution to the vehicle liability ~~fund~~ program for the purpose 487  
of purchasing insurance or administering self-insurance programs 488  
for coverage authorized under this section. The amount of the 489  
contribution shall be determined by the director, with the 490  
approval of the director of budget and management. It shall be 491  
based upon actuarial assumptions and the relative risk and loss 492  
experience of each state agency or participating state body. The 493  
amount of the contribution also shall include a reasonable sum to 494  
cover administrative costs of the department of administrative 495  
services. The amounts collected pursuant to this division shall be 496  
deposited in the risk management reserve fund to the credit of the 497  
vehicle liability program. 498

**Sec. 107.12.** (A) As used in this section, "organization" 499  
means a faith-based or other organization that is exempt from 500



federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended, and provides charitable services to needy residents of this state.

(B) There is hereby established within the office of the governor the governor's office of faith-based and community initiatives. The office shall:

(1) Serve as a clearinghouse of information on federal, state, and local funding for charitable services performed by organizations;

(2) Encourage organizations to seek public funding for their charitable services;

(3) Act as a liaison between state agencies and organizations;

(4) Advise the governor, general assembly, and the advisory board of the governor's office of faith-based community initiatives on the barriers that exist to collaboration between organizations and governmental entities and on ways to remove the barriers.

(C) The governor shall appoint an executive assistant to manage the office and perform or oversee the performance of the duties of the office.

(D)(1) There is hereby created the advisory board of the governor's office of faith-based and community initiatives. The board shall consist of members appointed as follows:

(a) The directors of aging, alcohol and drug addiction services, rehabilitation and correction, health, job and family services, mental health, and youth services shall each appoint to the board one employee of that director's department.

(b) The speaker of the house of representatives shall appoint to the board two members of the house of representatives, not more

than one of whom shall be from the same political party and at 531  
least one of whom shall be from the legislative black caucus. The 532  
speaker of the house of representatives shall consult with the 533  
president of the legislative black caucus in making the 534  
legislative black caucus member appointment. The president of the 535  
senate shall appoint to the board two members of the senate, not 536  
more than one of whom shall be from the same political party. 537

(c) The governor, speaker of the house of representatives, 538  
and president of the senate shall each appoint to the board three 539  
representatives of the nonprofit, faith-based and other nonprofit 540  
community. 541

~~(2) The appointments to the board shall be made within thirty~~ 542  
~~days after the effective date of this section.~~ Terms of the office 543  
shall be one year. Any vacancy that occurs on the board shall be 544  
filled in the same manner as the original appointment. The members 545  
of the board shall serve without compensation. 546

(3) At its initial meeting, the board shall elect a 547  
chairperson. The chairperson shall be a member of the board who is 548  
a member of the house of representatives. 549

(E) The board shall do both of the following: 550

(1) Provide direction, guidance, and oversight to the office; 551

(2) Publish a report of its activities on or before the first 552  
day of August of each year, and deliver copies of the report to 553  
the governor, the speaker and minority leader of the house of 554  
representatives, and the president and minority leader of the 555  
senate. 556

(F) No member of the board or organization that the member is 557  
affiliated or involved with is eligible to receive any grant that 558  
the office administers or assists in administering. 559

**Sec. 107.40.** (A) There is hereby created the governor's 560

residence advisory commission. The commission shall provide for 561  
the preservation, restoration, acquisition, and conservation of 562  
all decorations, objects of art, chandeliers, china, silver, 563  
statues, paintings, furnishings, accouterments, and other 564  
aesthetic materials that have been acquired, donated, loaned, or 565  
otherwise obtained by the state for the governor's residence and 566  
that have been approved by the commission. In addition, the 567  
commission shall provide for the maintenance of plants that have 568  
been acquired, donated, loaned, or otherwise obtained by the state 569  
for the governor's residence and that have been approved by the 570  
commission. 571

(B) The commission shall be responsible for the care, 572  
provision, repair, and placement of furnishings and other objects 573  
and accessories of the grounds and public areas of the first story 574  
of the governor's residence and for the care and placement of 575  
plants on the grounds. In exercising this responsibility, the 576  
commission shall preserve and seek to further establish all of the 577  
following: 578

(1) The authentic ambiance and decor of the historic era 579  
during which the governor's residence was constructed; 580

(2) The grounds as a representation of Ohio's natural 581  
ecosystems; 582

(3) The heritage garden for all of the following purposes: 583

(a) To preserve, sustain, and encourage the use of native 584  
flora throughout the state; 585

(b) To replicate the state's physiographic regions, plant 586  
communities, and natural landscapes; 587

(c) To serve as an educational garden that demonstrates the 588  
artistic, industrial, political, horticultural, and geologic 589  
history of the state through the use of plants; 590

(d) To serve as a reservoir of rare species of plants from 591  
the physiographic regions of the state. 592

These duties shall not affect the obligation of the 593  
department of administrative services to provide for ~~the~~ and adopt 594  
policies and procedures regarding the use, general maintenance, 595  
and operating expenses of the governor's residence. 596

(C) The commission shall consist of eleven members. One 597  
member shall be the director of administrative services or the 598  
director's designee, who shall serve during the director's term of 599  
office and shall serve as chairperson. One member shall be the 600  
director of the Ohio historical society or the director's 601  
designee, who shall serve during the director's term of office and 602  
shall serve as vice-chairperson. One member shall represent the 603  
Columbus landmarks foundation. One member shall represent the 604  
Bexley historical society. One member shall be the mayor of the 605  
city of Bexley, who shall serve during the mayor's term of office. 606  
One member shall be the chief executive officer of the Franklin 607  
park conservatory joint recreation district, who shall serve 608  
during the term of employment as chief executive officer. The 609  
remaining five members shall be appointed by the governor with the 610  
advice and consent of the senate. The five members appointed by 611  
the governor shall be persons with knowledge of Ohio history, 612  
architecture, decorative arts, or historic preservation, and one 613  
of those members shall have knowledge of landscape architecture, 614  
garden design, horticulture, and plants native to this state. 615

(D) Of the initial appointees, the representative of the 616  
Columbus landmarks foundation shall serve for a term expiring 617  
December 31, 1996, and the representative of the Bexley historical 618  
society shall serve for a term expiring December 31, 1997. Of the 619  
five members appointed by the governor, three shall serve for 620  
terms ending December 31, 1998, and two shall serve for terms 621  
ending December 31, 1999. Thereafter, each term shall be for four 622

years, commencing on the first day of January and ending on the 623  
last day of December. The member having knowledge of landscape 624  
architecture, garden design, horticulture, and plants native to 625  
this state initially shall be appointed upon the first vacancy on 626  
the commission occurring on or after June 30, 2006. 627

Each member shall hold office from the date of the member's 628  
appointment until the end of the term for which the member was 629  
appointed. Any member appointed to fill a vacancy occurring prior 630  
to the end of the term for which the member's predecessor was 631  
appointed shall hold office for the remainder of the term. Any 632  
member shall continue in office subsequent to the expiration of 633  
the term until the member's successor takes office. 634

(E) Six members of the commission constitute a quorum, and 635  
the affirmative vote of six members is required for approval of 636  
any action by the commission. 637

(F) After each initial member of the commission has been 638  
appointed, the commission shall meet and select one member as 639  
secretary and another as treasurer. Organizational meetings of the 640  
commission shall be held at the time and place designated by call 641  
of the chairperson. Meetings of the commission may be held 642  
anywhere in the state and shall be in compliance with Chapters 643  
121. and 149. of the Revised Code. The commission may adopt, 644  
pursuant to section 111.15 of the Revised Code, rules necessary to 645  
carry out the purposes of this section. 646

(G) Members of the commission shall serve without 647  
remuneration, but shall be compensated for actual and necessary 648  
expenses incurred in the performance of their official duties. 649

(H) All expenses incurred in carrying out this section are 650  
payable solely from money accrued under this section or 651  
appropriated for these purposes by the general assembly, and the 652  
commission shall incur no liability or obligation beyond such 653

money. 654

(I) The Except as otherwise provided in this division, the 655  
commission may accept any payment for the use of the governor's 656  
residence or may accept any donation, gift, bequest, or devise for 657  
the governor's residence or as an endowment for the maintenance 658  
and care of the garden on the grounds of the governor's residence 659  
in furtherance of its duties. The commission shall not accept any 660  
donation, gift, bequest, or devise from a person, individual, or 661  
member of an individual's immediate family if the person or 662  
individual is receiving payments under a contract with the state 663  
or a state agency for the purchase of supplies, services, or 664  
equipment or for the construction, reconstruction, improvement, 665  
enlargement, alteration, repair, painting, or decoration of a 666  
public improvement, except for payments received under an 667  
employment contract or a collective bargaining agreement. Any 668  
revenue received by the commission shall be deposited into the 669  
governor's residence fund, which is hereby established in the 670  
state treasury, for use by the commission in accordance with the 671  
performance of its duties. All investment earnings of the fund 672  
shall be credited to the fund. Title to all property acquired by 673  
the commission shall be taken in the name of the state and shall 674  
be held for the use and benefit of the commission. 675

(J) Nothing in this section limits the ability of a person or 676  
other entity to purchase decorations, objects of art, chandeliers, 677  
china, silver, statues, paintings, furnishings, accouterments, 678  
plants, or other aesthetic materials for placement in the 679  
governor's residence or on the grounds of the governor's residence 680  
or donation to the commission. No such object or plant, however, 681  
shall be placed on the grounds or public areas of the first story 682  
of the governor's residence without the consent of the commission. 683

(K) The heritage garden established under this section shall 684  
be officially known as "the heritage garden at the Ohio governor's 685

residence." 686

(L) As used in this section, "heritage garden" means the 687  
botanical garden of native plants established at the governor's 688  
residence. 689

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 690  
criminal identification and investigation shall procure from 691  
wherever procurable and file for record photographs, pictures, 692  
descriptions, fingerprints, measurements, and other information 693  
that may be pertinent of all persons who have been convicted of 694  
committing within this state a felony, any crime constituting a 695  
misdemeanor on the first offense and a felony on subsequent 696  
offenses, or any misdemeanor described in division (A)(1)(a) or 697  
(A)(10)(a) of section 109.572 of the Revised Code, of all children 698  
under eighteen years of age who have been adjudicated delinquent 699  
children for committing within this state an act that would be a 700  
felony or an offense of violence if committed by an adult or who 701  
have been convicted of or pleaded guilty to committing within this 702  
state a felony or an offense of violence, and of all well-known 703  
and habitual criminals. The person in charge of any county, 704  
multicounty, municipal, municipal-county, or multicounty-municipal 705  
jail or workhouse, community-based correctional facility, halfway 706  
house, alternative residential facility, or state correctional 707  
institution and the person in charge of any state institution 708  
having custody of a person suspected of having committed a felony, 709  
any crime constituting a misdemeanor on the first offense and a 710  
felony on subsequent offenses, or any misdemeanor described in 711  
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 712  
Code or having custody of a child under eighteen years of age with 713  
respect to whom there is probable cause to believe that the child 714  
may have committed an act that would be a felony or an offense of 715  
violence if committed by an adult shall furnish such material to 716  
the superintendent of the bureau. Fingerprints, photographs, or 717

other descriptive information of a child who is under eighteen 718  
years of age, has not been arrested or otherwise taken into 719  
custody for committing an act that would be a felony or an offense 720  
of violence if committed by an adult, has not been adjudicated a 721  
delinquent child for committing an act that would be a felony or 722  
an offense of violence if committed by an adult, has not been 723  
convicted of or pleaded guilty to committing a felony or an 724  
offense of violence, and is not a child with respect to whom there 725  
is probable cause to believe that the child may have committed an 726  
act that would be a felony or an offense of violence if committed 727  
by an adult shall not be procured by the superintendent or 728  
furnished by any person in charge of any county, multicounty, 729  
municipal, municipal-county, or multicounty-municipal jail or 730  
workhouse, community-based correctional facility, halfway house, 731  
alternative residential facility, or state correctional 732  
institution, except as authorized in section 2151.313 of the 733  
Revised Code. 734

(2) Every clerk of a court of record in this state, other 735  
than the supreme court or a court of appeals, shall send to the 736  
superintendent of the bureau a weekly report containing a summary 737  
of each case involving a felony, involving any crime constituting 738  
a misdemeanor on the first offense and a felony on subsequent 739  
offenses, involving a misdemeanor described in division (A)(1)(a) 740  
or (A)(10)(a) of section 109.572 of the Revised Code, or involving 741  
an adjudication in a case in which a child under eighteen years of 742  
age was alleged to be a delinquent child for committing an act 743  
that would be a felony or an offense of violence if committed by 744  
an adult. The clerk of the court of common pleas shall include in 745  
the report and summary the clerk sends under this division all 746  
information described in divisions (A)(2)(a) to (f) of this 747  
section regarding a case before the court of appeals that is 748  
served by that clerk. The summary shall be written on the standard 749  
forms furnished by the superintendent pursuant to division (B) of 750



this section and shall include the following information: 751

(a) The incident tracking number contained on the standard 752  
forms furnished by the superintendent pursuant to division (B) of 753  
this section; 754

(b) The style and number of the case; 755

(c) The date of arrest; 756

(d) The date that the person was convicted of or pleaded 757  
guilty to the offense, adjudicated a delinquent child for 758  
committing the act that would be a felony or an offense of 759  
violence if committed by an adult, found not guilty of the 760  
offense, or found not to be a delinquent child for committing an 761  
act that would be a felony or an offense of violence if committed 762  
by an adult, the date of an entry dismissing the charge, an entry 763  
declaring a mistrial of the offense in which the person is 764  
discharged, an entry finding that the person or child is not 765  
competent to stand trial, or an entry of a nolle prosequi, or the 766  
date of any other determination that constitutes final resolution 767  
of the case; 768

(e) A statement of the original charge with the section of 769  
the Revised Code that was alleged to be violated; 770

(f) If the person or child was convicted, pleaded guilty, or 771  
was adjudicated a delinquent child, the sentence or terms of 772  
probation imposed or any other disposition of the offender or the 773  
delinquent child. 774

If the offense involved the disarming of a law enforcement 775  
officer or an attempt to disarm a law enforcement officer, the 776  
clerk shall clearly state that fact in the summary, and the 777  
superintendent shall ensure that a clear statement of that fact is 778  
placed in the bureau's records. 779

(3) The superintendent shall cooperate with and assist 780

sheriffs, chiefs of police, and other law enforcement officers in 781  
the establishment of a complete system of criminal identification 782  
and in obtaining fingerprints and other means of identification of 783  
all persons arrested on a charge of a felony, any crime 784  
constituting a misdemeanor on the first offense and a felony on 785  
subsequent offenses, or a misdemeanor described in division 786  
(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code and 787  
of all children under eighteen years of age arrested or otherwise 788  
taken into custody for committing an act that would be a felony or 789  
an offense of violence if committed by an adult. The 790  
superintendent also shall file for record the fingerprint 791  
impressions of all persons confined in a county, multicounty, 792  
municipal, municipal-county, or multicounty-municipal jail or 793  
workhouse, community-based correctional facility, halfway house, 794  
alternative residential facility, or state correctional 795  
institution for the violation of state laws and of all children 796  
under eighteen years of age who are confined in a county, 797  
multicounty, municipal, municipal-county, or multicounty-municipal 798  
jail or workhouse, community-based correctional facility, halfway 799  
house, alternative residential facility, or state correctional 800  
institution or in any facility for delinquent children for 801  
committing an act that would be a felony or an offense of violence 802  
if committed by an adult, and any other information that the 803  
superintendent may receive from law enforcement officials of the 804  
state and its political subdivisions. 805

(4) The superintendent shall carry out Chapter 2950. of the 806  
Revised Code with respect to the registration of persons who are 807  
convicted of or plead guilty to either a sexually oriented offense 808  
that is not a registration-exempt sexually oriented offense or a 809  
child-victim oriented offense and with respect to all other duties 810  
imposed on the bureau under that chapter. 811

(5) The bureau shall perform centralized recordkeeping 812

functions for criminal history records and services in this state 813  
for purposes of the national crime prevention and privacy compact 814  
set forth in section 109.571 of the Revised Code and is the 815  
criminal history record repository as defined in that section for 816  
purposes of that compact. The superintendent or the 817  
superintendent's designee is the compact officer for purposes of 818  
that compact and shall carry out the responsibilities of the 819  
compact officer specified in that compact. 820

(B) The superintendent shall prepare and furnish to every 821  
county, multicounty, municipal, municipal-county, or 822  
multicounty-municipal jail or workhouse, community-based 823  
correctional facility, halfway house, alternative residential 824  
facility, or state correctional institution and to every clerk of 825  
a court in this state specified in division (A)(2) of this section 826  
standard forms for reporting the information required under 827  
division (A) of this section. The standard forms that the 828  
superintendent prepares pursuant to this division may be in a 829  
tangible format, in an electronic format, or in both tangible 830  
formats and electronic formats. 831

(C) The superintendent may operate a center for electronic, 832  
automated, or other data processing for the storage and retrieval 833  
of information, data, and statistics pertaining to criminals and 834  
to children under eighteen years of age who are adjudicated 835  
delinquent children for committing an act that would be a felony 836  
or an offense of violence if committed by an adult, criminal 837  
activity, crime prevention, law enforcement, and criminal justice, 838  
and may establish and operate a statewide communications network 839  
to gather and disseminate information, data, and statistics for 840  
the use of law enforcement agencies. The superintendent may 841  
gather, store, retrieve, and disseminate information, data, and 842  
statistics that pertain to children who are under eighteen years 843  
of age and that are gathered pursuant to sections 109.57 to 109.61 844

of the Revised Code together with information, data, and 845  
statistics that pertain to adults and that are gathered pursuant 846  
to those sections. In addition to any other authorized use of 847  
information, data, and statistics of that nature, the 848  
superintendent or the superintendent's designee may provide and 849  
exchange the information, data, and statistics pursuant to the 850  
national crime prevention and privacy compact as described in 851  
division (A)(5) of this section. 852

(D) The information and materials furnished to the 853  
superintendent pursuant to division (A) of this section and 854  
information and materials furnished to any board or person under 855  
division (F) or (G) of this section are not public records under 856  
section 149.43 of the Revised Code. 857

(E) The attorney general shall adopt rules, in accordance 858  
with Chapter 119. of the Revised Code, setting forth the procedure 859  
by which a person may receive or release information gathered by 860  
the superintendent pursuant to division (A) of this section. A 861  
reasonable fee may be charged for this service. If a temporary 862  
employment service submits a request for a determination of 863  
whether a person the service plans to refer to an employment 864  
position has been convicted of or pleaded guilty to an offense 865  
listed in division (A)(1), (3), (4), (5), or (6) of section 866  
109.572 of the Revised Code, the request shall be treated as a 867  
single request and only one fee shall be charged. 868

(F)(1) As used in division (F)(2) of this section, "head 869  
start agency" means an entity in this state that has been approved 870  
to be an agency for purposes of subchapter II of the "Community 871  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 872  
as amended. 873

(2)(a) In addition to or in conjunction with any request that 874  
is required to be made under section 109.572, 2151.86, 3301.32, or 875  
3301.541, division (C) of section 3310.58, or section 3319.39, 876

3701.881, 5104.012, 5104.013, 5123.081, 5126.28, 5126.281, or 877  
5153.111 of the Revised Code, the board of education of any school 878  
district; the director of mental retardation and developmental 879  
disabilities; any county board of mental retardation and 880  
developmental disabilities; any entity under contract with a 881  
county board of mental retardation and developmental disabilities; 882  
the chief administrator of any chartered nonpublic school; the 883  
chief administrator of a registered private provider that is not 884  
also a chartered nonpublic school; the chief administrator of any 885  
home health agency; the chief administrator of or person operating 886  
any child day-care center, type A family day-care home, or type B 887  
family day-care home licensed or certified under Chapter 5104. of 888  
the Revised Code; the administrator of any type C family day-care 889  
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 890  
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 891  
general assembly; the chief administrator of any head start 892  
agency; or the executive director of a public children services 893  
agency may request that the superintendent of the bureau 894  
investigate and determine, with respect to any individual who has 895  
applied for employment in any position after October 2, 1989, or 896  
any individual wishing to apply for employment with a board of 897  
education may request, with regard to the individual, whether the 898  
bureau has any information gathered under division (A) of this 899  
section that pertains to that individual. On receipt of the 900  
request, the superintendent shall determine whether that 901  
information exists and, upon request of the person, board, or 902  
entity requesting information, also shall request from the federal 903  
bureau of investigation any criminal records it has pertaining to 904  
that individual. The superintendent or the superintendent's 905  
designee also may request criminal history records from other 906  
states or the federal government pursuant to the national crime 907  
prevention and privacy compact set forth in section 109.571 of the 908  
Revised Code. Within thirty days of the date that the 909

superintendent receives a request, the superintendent shall send 910  
to the board, entity, or person a report of any information that 911  
the superintendent determines exists, including information 912  
contained in records that have been sealed under section 2953.32 913  
of the Revised Code, and, within thirty days of its receipt, shall 914  
send the board, entity, or person a report of any information 915  
received from the federal bureau of investigation, other than 916  
information the dissemination of which is prohibited by federal 917  
law. 918

(b) When a board of education or a registered private 919  
provider is required to receive information under this section as 920  
a prerequisite to employment of an individual pursuant to division 921  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 922  
may accept a certified copy of records that were issued by the 923  
bureau of criminal identification and investigation and that are 924  
presented by an individual applying for employment with the 925  
district in lieu of requesting that information itself. In such a 926  
case, the board or provider shall accept the certified copy issued 927  
by the bureau in order to make a photocopy of it for that 928  
individual's employment application documents and shall return the 929  
certified copy to the individual. In a case of that nature, a 930  
district or provider only shall accept a certified copy of records 931  
of that nature within one year after the date of their issuance by 932  
the bureau. 933

(3) The state board of education may request, with respect to 934  
any individual who has applied for employment after October 2, 935  
1989, in any position with the state board or the department of 936  
education, any information that a school district board of 937  
education is authorized to request under division (F)(2) of this 938  
section, and the superintendent of the bureau shall proceed as if 939  
the request has been received from a school district board of 940  
education under division (F)(2) of this section. 941

(4) When the superintendent of the bureau receives a request 942  
for information under section 3319.291 of the Revised Code, the 943  
superintendent shall proceed as if the request has been received 944  
from a school district board of education under division (F)(2) of 945  
this section. 946

(5) When a recipient of a classroom reading improvement grant 947  
paid under section 3301.86 of the Revised Code requests, with 948  
respect to any individual who applies to participate in providing 949  
any program or service funded in whole or in part by the grant, 950  
the information that a school district board of education is 951  
authorized to request under division (F)(2)(a) of this section, 952  
the superintendent of the bureau shall proceed as if the request 953  
has been received from a school district board of education under 954  
division (F)(2)(a) of this section. 955

(G) In addition to or in conjunction with any request that is 956  
required to be made under section 3701.881, 3712.09, 3721.121, or 957  
3722.151 of the Revised Code with respect to an individual who has 958  
applied for employment in a position that involves providing 959  
direct care to an older adult, the chief administrator of a home 960  
health agency, hospice care program, home licensed under Chapter 961  
3721. of the Revised Code, adult day-care program operated 962  
pursuant to rules adopted under section 3721.04 of the Revised 963  
Code, or adult care facility may request that the superintendent 964  
of the bureau investigate and determine, with respect to any 965  
individual who has applied after January 27, 1997, for employment 966  
in a position that does not involve providing direct care to an 967  
older adult, whether the bureau has any information gathered under 968  
division (A) of this section that pertains to that individual. 969

In addition to or in conjunction with any request that is 970  
required to be made under section 173.27 of the Revised Code with 971  
respect to an individual who has applied for employment in a 972  
position that involves providing ombudsperson services to 973

residents of long-term care facilities or recipients of 974  
community-based long-term care services, the state long-term care 975  
ombudsperson, ombudsperson's designee, or director of health may 976  
request that the superintendent investigate and determine, with 977  
respect to any individual who has applied for employment in a 978  
position that does not involve providing such ombudsperson 979  
services, whether the bureau has any information gathered under 980  
division (A) of this section that pertains to that applicant. 981

In addition to or in conjunction with any request that is 982  
required to be made under section 173.394 of the Revised Code with 983  
respect to an individual who has applied for employment in a 984  
position that involves providing direct care to an individual, the 985  
chief administrator of a community-based long-term care agency may 986  
request that the superintendent investigate and determine, with 987  
respect to any individual who has applied for employment in a 988  
position that does not involve providing direct care, whether the 989  
bureau has any information gathered under division (A) of this 990  
section that pertains to that applicant. 991

On receipt of a request under this division, the 992  
superintendent shall determine whether that information exists 993  
and, on request of the individual requesting information, shall 994  
also request from the federal bureau of investigation any criminal 995  
records it has pertaining to the applicant. The superintendent or 996  
the superintendent's designee also may request criminal history 997  
records from other states or the federal government pursuant to 998  
the national crime prevention and privacy compact set forth in 999  
section 109.571 of the Revised Code. Within thirty days of the 1000  
date a request is received, the superintendent shall send to the 1001  
requester a report of any information determined to exist, 1002  
including information contained in records that have been sealed 1003  
under section 2953.32 of the Revised Code, and, within thirty days 1004  
of its receipt, shall send the requester a report of any 1005



information received from the federal bureau of investigation, 1006  
other than information the dissemination of which is prohibited by 1007  
federal law. 1008

(H) Information obtained by a government entity or person 1009  
under this section is confidential and shall not be released or 1010  
disseminated. 1011

(I) The superintendent may charge a reasonable fee for 1012  
providing information or criminal records under division (F)(2) or 1013  
(G) of this section. 1014

(J) As used in this section, "registered private provider" 1015  
means a nonpublic school or entity registered with the 1016  
superintendent of public instruction under section 3310.41 of the 1017  
Revised Code to participate in the autism scholarship program or 1018  
section 3310.58 of the Revised Code to participate in the special 1019  
education scholarship pilot program. 1020

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 1021  
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 1022  
of the Revised Code, a completed form prescribed pursuant to 1023  
division (C)(1) of this section, and a set of fingerprint 1024  
impressions obtained in the manner described in division (C)(2) of 1025  
this section, the superintendent of the bureau of criminal 1026  
identification and investigation shall conduct a criminal records 1027  
check in the manner described in division (B) of this section to 1028  
determine whether any information exists that indicates that the 1029  
person who is the subject of the request previously has been 1030  
convicted of or pleaded guilty to any of the following: 1031

(a) A violation of section 2903.01, 2903.02, 2903.03, 1032  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1033  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1034  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1035  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1036

2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1037  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1038  
2925.06, or 3716.11 of the Revised Code, felonious sexual 1039  
penetration in violation of former section 2907.12 of the Revised 1040  
Code, a violation of section 2905.04 of the Revised Code as it 1041  
existed prior to July 1, 1996, a violation of section 2919.23 of 1042  
the Revised Code that would have been a violation of section 1043  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1044  
had the violation been committed prior to that date, or a 1045  
violation of section 2925.11 of the Revised Code that is not a 1046  
minor drug possession offense; 1047

(b) A violation of an existing or former law of this state, 1048  
any other state, or the United States that is substantially 1049  
equivalent to any of the offenses listed in division (A)(1)(a) of 1050  
this section. 1051

(2) On receipt of a request pursuant to section 5123.081 of 1052  
the Revised Code with respect to an applicant for employment in 1053  
any position with the department of mental retardation and 1054  
developmental disabilities, pursuant to section 5126.28 of the 1055  
Revised Code with respect to an applicant for employment in any 1056  
position with a county board of mental retardation and 1057  
developmental disabilities, or pursuant to section 5126.281 of the 1058  
Revised Code with respect to an applicant for employment in a 1059  
direct services position with an entity contracting with a county 1060  
board for employment, a completed form prescribed pursuant to 1061  
division (C)(1) of this section, and a set of fingerprint 1062  
impressions obtained in the manner described in division (C)(2) of 1063  
this section, the superintendent of the bureau of criminal 1064  
identification and investigation shall conduct a criminal records 1065  
check. The superintendent shall conduct the criminal records check 1066  
in the manner described in division (B) of this section to 1067  
determine whether any information exists that indicates that the 1068

person who is the subject of the request has been convicted of or 1069  
pleaded guilty to any of the following: 1070

(a) A violation of section 2903.01, 2903.02, 2903.03, 1071  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1072  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 1073  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 1074  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1075  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1076  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1077  
2925.03, or 3716.11 of the Revised Code; 1078

(b) An existing or former municipal ordinance or law of this 1079  
state, any other state, or the United States that is substantially 1080  
equivalent to any of the offenses listed in division (A)(2)(a) of 1081  
this section. 1082

(3) On receipt of a request pursuant to section 173.27, 1083  
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 1084  
completed form prescribed pursuant to division (C)(1) of this 1085  
section, and a set of fingerprint impressions obtained in the 1086  
manner described in division (C)(2) of this section, the 1087  
superintendent of the bureau of criminal identification and 1088  
investigation shall conduct a criminal records check with respect 1089  
to any person who has applied for employment in a position for 1090  
which a criminal records check is required by those sections. The 1091  
superintendent shall conduct the criminal records check in the 1092  
manner described in division (B) of this section to determine 1093  
whether any information exists that indicates that the person who 1094  
is the subject of the request previously has been convicted of or 1095  
pleaded guilty to any of the following: 1096

(a) A violation of section 2903.01, 2903.02, 2903.03, 1097  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1098  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1099  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1100

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1101  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1102  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1103  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1104  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1105

(b) An existing or former law of this state, any other state, 1106  
or the United States that is substantially equivalent to any of 1107  
the offenses listed in division (A)(3)(a) of this section. 1108

(4) On receipt of a request pursuant to section 3701.881 of 1109  
the Revised Code with respect to an applicant for employment with 1110  
a home health agency as a person responsible for the care, 1111  
custody, or control of a child, a completed form prescribed 1112  
pursuant to division (C)(1) of this section, and a set of 1113  
fingerprint impressions obtained in the manner described in 1114  
division (C)(2) of this section, the superintendent of the bureau 1115  
of criminal identification and investigation shall conduct a 1116  
criminal records check. The superintendent shall conduct the 1117  
criminal records check in the manner described in division (B) of 1118  
this section to determine whether any information exists that 1119  
indicates that the person who is the subject of the request 1120  
previously has been convicted of or pleaded guilty to any of the 1121  
following: 1122

(a) A violation of section 2903.01, 2903.02, 2903.03, 1123  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1124  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1125  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1126  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1127  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1128  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1129  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1130  
violation of section 2925.11 of the Revised Code that is not a 1131  
minor drug possession offense; 1132

(b) An existing or former law of this state, any other state, 1133  
or the United States that is substantially equivalent to any of 1134  
the offenses listed in division (A)(4)(a) of this section. 1135

(5) On receipt of a request pursuant to section ~~5111.95 or~~ 1136  
~~5111.96~~ 5111.032, 5111.033, or 5111.034 of the Revised Code with 1137  
~~respect to an applicant for employment with a waiver agency~~ 1138  
~~participating in a department of job and family services~~ 1139  
~~administered home and community based waiver program or an~~ 1140  
~~independent provider participating in a department administered~~ 1141  
~~home and community based waiver program in a position that~~ 1142  
~~involves providing home and community based waiver services to~~ 1143  
~~consumers with disabilities~~, a completed form prescribed pursuant 1144  
to division (C)(1) of this section, and a set of fingerprint 1145  
impressions obtained in the manner described in division (C)(2) of 1146  
this section, the superintendent of the bureau of criminal 1147  
identification and investigation shall conduct a criminal records 1148  
check. The superintendent shall conduct the criminal records check 1149  
in the manner described in division (B) of this section to 1150  
determine whether any information exists that indicates that the 1151  
person who is the subject of the request previously has been 1152  
convicted of ~~or~~, has pleaded guilty to, or has been found eligible 1153  
for intervention in lieu of conviction for any of the following: 1154

(a) A violation of section 2903.01, 2903.02, 2903.03, 1155  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1156  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 1157  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1158  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 1159  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 1160  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 1161  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 1162  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 1163  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 1164

2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 1165  
3716.11 of the Revised Code, felonious sexual penetration in 1166  
violation of former section 2907.12 of the Revised Code, a 1167  
violation of section 2905.04 of the Revised Code as it existed 1168  
prior to July 1, 1996, a violation of section 2919.23 of the 1169  
Revised Code that would have been a violation of section 2905.04 1170  
of the Revised Code as it existed prior to July 1, 1996, had the 1171  
violation been committed prior to that date; 1172

(b) An existing or former law of this state, any other state, 1173  
or the United States that is substantially equivalent to any of 1174  
the offenses listed in division (A)(5)(a) of this section. 1175

(6) On receipt of a request pursuant to section 3701.881 of 1176  
the Revised Code with respect to an applicant for employment with 1177  
a home health agency in a position that involves providing direct 1178  
care to an older adult, a completed form prescribed pursuant to 1179  
division (C)(1) of this section, and a set of fingerprint 1180  
impressions obtained in the manner described in division (C)(2) of 1181  
this section, the superintendent of the bureau of criminal 1182  
identification and investigation shall conduct a criminal records 1183  
check. The superintendent shall conduct the criminal records check 1184  
in the manner described in division (B) of this section to 1185  
determine whether any information exists that indicates that the 1186  
person who is the subject of the request previously has been 1187  
convicted of or pleaded guilty to any of the following: 1188

(a) A violation of section 2903.01, 2903.02, 2903.03, 1189  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1190  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1191  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1192  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1193  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1194  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1195  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1196

2925.22, 2925.23, or 3716.11 of the Revised Code; 1197

(b) An existing or former law of this state, any other state, 1198  
or the United States that is substantially equivalent to any of 1199  
the offenses listed in division (A)(6)(a) of this section. 1200

(7) When conducting a criminal records check upon a request 1201  
pursuant to section 3319.39 of the Revised Code for an applicant 1202  
who is a teacher, in addition to the determination made under 1203  
division (A)(1) of this section, the superintendent shall 1204  
determine whether any information exists that indicates that the 1205  
person who is the subject of the request previously has been 1206  
convicted of or pleaded guilty to any offense specified in section 1207  
3319.31 of the Revised Code. 1208

(8) On a request pursuant to section 2151.86 of the Revised 1209  
Code, a completed form prescribed pursuant to division (C)(1) of 1210  
this section, and a set of fingerprint impressions obtained in the 1211  
manner described in division (C)(2) of this section, the 1212  
superintendent of the bureau of criminal identification and 1213  
investigation shall conduct a criminal records check in the manner 1214  
described in division (B) of this section to determine whether any 1215  
information exists that indicates that the person who is the 1216  
subject of the request previously has been convicted of or pleaded 1217  
guilty to any of the following: 1218

(a) A violation of section 2903.01, 2903.02, 2903.03, 1219  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1220  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1221  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1222  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1223  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1224  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1225  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 1226  
violation of section 2905.04 of the Revised Code as it existed 1227  
prior to July 1, 1996, a violation of section 2919.23 of the 1228

Revised Code that would have been a violation of section 2905.04 1229  
of the Revised Code as it existed prior to July 1, 1996, had the 1230  
violation been committed prior to that date, a violation of 1231  
section 2925.11 of the Revised Code that is not a minor drug 1232  
possession offense, or felonious sexual penetration in violation 1233  
of former section 2907.12 of the Revised Code; 1234

(b) A violation of an existing or former law of this state, 1235  
any other state, or the United States that is substantially 1236  
equivalent to any of the offenses listed in division (A)(8)(a) of 1237  
this section. 1238

(9) When conducting a criminal records check on a request 1239  
pursuant to section 5104.013 of the Revised Code for a person who 1240  
is an owner, licensee, or administrator of a child day-care center 1241  
or type A family day-care home, an authorized provider of a 1242  
certified type B family day-care home, or an adult residing in a 1243  
type A or certified type B home, or when conducting a criminal 1244  
records check or a request pursuant to section 5104.012 of the 1245  
Revised Code for a person who is an applicant for employment in a 1246  
center, type A home, or certified type B home, the superintendent, 1247  
in addition to the determination made under division (A)(1) of 1248  
this section, shall determine whether any information exists that 1249  
indicates that the person has been convicted of or pleaded guilty 1250  
to any of the following: 1251

(a) A violation of section 2913.02, 2913.03, 2913.04, 1252  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1253  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1254  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 1255  
2921.13, or 2923.01 of the Revised Code, a violation of section 1256  
2923.02 or 2923.03 of the Revised Code that relates to a crime 1257  
specified in this division or division (A)(1)(a) of this section, 1258  
or a second violation of section 4511.19 of the Revised Code 1259  
within five years of the date of application for licensure or 1260



certification. 1261

(b) A violation of an existing or former law of this state, 1262  
any other state, or the United States that is substantially 1263  
equivalent to any of the offenses or violations described in 1264  
division (A)(9)(a) of this section. 1265

(10) Upon receipt of a request pursuant to section 5153.111 1266  
of the Revised Code, a completed form prescribed pursuant to 1267  
division (C)(1) of this section, and a set of fingerprint 1268  
impressions obtained in the manner described in division (C)(2) of 1269  
this section, the superintendent of the bureau of criminal 1270  
identification and investigation shall conduct a criminal records 1271  
check in the manner described in division (B) of this section to 1272  
determine whether any information exists that indicates that the 1273  
person who is the subject of the request previously has been 1274  
convicted of or pleaded guilty to any of the following: 1275

(a) A violation of section 2903.01, 2903.02, 2903.03, 1276  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1277  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1278  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1279  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1280  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1281  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1282  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1283  
felonious sexual penetration in violation of former section 1284  
2907.12 of the Revised Code, a violation of section 2905.04 of the 1285  
Revised Code as it existed prior to July 1, 1996, a violation of 1286  
section 2919.23 of the Revised Code that would have been a 1287  
violation of section 2905.04 of the Revised Code as it existed 1288  
prior to July 1, 1996, had the violation been committed prior to 1289  
that date, or a violation of section 2925.11 of the Revised Code 1290  
that is not a minor drug possession offense; 1291

(b) A violation of an existing or former law of this state, 1292

any other state, or the United States that is substantially 1293  
equivalent to any of the offenses listed in division (A)(10)(a) of 1294  
this section. 1295

(11) On receipt of a request for a criminal records check 1296  
from an individual pursuant to section 4749.03 or 4749.06 of the 1297  
Revised Code, accompanied by a completed copy of the form 1298  
prescribed in division (C)(1) of this section and a set of 1299  
fingerprint impressions obtained in a manner described in division 1300  
(C)(2) of this section, the superintendent of the bureau of 1301  
criminal identification and investigation shall conduct a criminal 1302  
records check in the manner described in division (B) of this 1303  
section to determine whether any information exists indicating 1304  
that the person who is the subject of the request has been 1305  
convicted of or pleaded guilty to a felony in this state or in any 1306  
other state. If the individual indicates that a firearm will be 1307  
carried in the course of business, the superintendent shall 1308  
require information from the federal bureau of investigation as 1309  
described in division (B)(2) of this section. The superintendent 1310  
shall report the findings of the criminal records check and any 1311  
information the federal bureau of investigation provides to the 1312  
director of public safety. 1313

(12) On receipt of a request pursuant to section 1322.03, 1314  
1322.031, or 4763.05 of the Revised Code, a completed form 1315  
prescribed pursuant to division (C)(1) of this section, and a set 1316  
of fingerprint impressions obtained in the manner described in 1317  
division (C)(2) of this section, the superintendent of the bureau 1318  
of criminal identification and investigation shall conduct a 1319  
criminal records check with respect to any person who has applied 1320  
for a license, permit, or certification from the department of 1321  
commerce or a division in the department. The superintendent shall 1322  
conduct the criminal records check in the manner described in 1323  
division (B) of this section to determine whether any information 1324

exists that indicates that the person who is the subject of the 1325  
request previously has been convicted of or pleaded guilty to any 1326  
of the following: a violation of section 2913.02, 2913.11, 1327  
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 1328  
criminal offense involving theft, receiving stolen property, 1329  
embezzlement, forgery, fraud, passing bad checks, money 1330  
laundering, or drug trafficking, or any criminal offense involving 1331  
money or securities, as set forth in Chapters 2909., 2911., 2913., 1332  
2915., 2921., 2923., and 2925. of the Revised Code; or any 1333  
existing or former law of this state, any other state, or the 1334  
United States that is substantially equivalent to those offenses. 1335

(13) Not later than thirty days after the date the 1336  
superintendent receives the request, completed form, and 1337  
fingerprint impressions, the superintendent shall send the person, 1338  
board, or entity that made the request any information, other than 1339  
information the dissemination of which is prohibited by federal 1340  
law, the superintendent determines exists with respect to the 1341  
person who is the subject of the request that indicates that the 1342  
person previously has been convicted of or pleaded guilty to any 1343  
offense listed or described in division (A)(1), (2), (3), (4), 1344  
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 1345  
appropriate. The superintendent shall send the person, board, or 1346  
entity that made the request a copy of the list of offenses 1347  
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 1348  
(9), (10), (11), or (12) of this section, as appropriate. If the 1349  
request was made under section 3701.881 of the Revised Code with 1350  
regard to an applicant who may be both responsible for the care, 1351  
custody, or control of a child and involved in providing direct 1352  
care to an older adult, the superintendent shall provide a list of 1353  
the offenses specified in divisions (A)(4) and (6) of this 1354  
section. 1355

(B) The superintendent shall conduct any criminal records 1356

check requested under section 121.08, 173.27, 173.394, 1322.03, 1357  
1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 1358  
3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 1359  
~~5111.95, 5111.96~~ 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1360  
5126.281, or 5153.111 of the Revised Code as follows: 1361

(1) The superintendent shall review or cause to be reviewed 1362  
any relevant information gathered and compiled by the bureau under 1363  
division (A) of section 109.57 of the Revised Code that relates to 1364  
the person who is the subject of the request, including any 1365  
relevant information contained in records that have been sealed 1366  
under section 2953.32 of the Revised Code; 1367

(2) If the request received by the superintendent asks for 1368  
information from the federal bureau of investigation, the 1369  
superintendent shall request from the federal bureau of 1370  
investigation any information it has with respect to the person 1371  
who is the subject of the request and shall review or cause to be 1372  
reviewed any information the superintendent receives from that 1373  
bureau. 1374

(3) The superintendent or the superintendent's designee may 1375  
request criminal history records from other states or the federal 1376  
government pursuant to the national crime prevention and privacy 1377  
compact set forth in section 109.571 of the Revised Code. 1378

(C)(1) The superintendent shall prescribe a form to obtain 1379  
the information necessary to conduct a criminal records check from 1380  
any person for whom a criminal records check is required by 1381  
section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 1382  
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 1383  
4749.03, 4749.06, 4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 1384  
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 1385  
5153.111 of the Revised Code. The form that the superintendent 1386  
prescribes pursuant to this division may be in a tangible format, 1387  
in an electronic format, or in both tangible and electronic 1388

formats. 1389

(2) The superintendent shall prescribe standard impression 1390  
sheets to obtain the fingerprint impressions of any person for 1391  
whom a criminal records check is required by section 121.08, 1392  
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 1393  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 1394  
4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 5111.032, 5111.033, 1395  
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1396  
Code. Any person for whom a records check is required by any of 1397  
those sections shall obtain the fingerprint impressions at a 1398  
county sheriff's office, municipal police department, or any other 1399  
entity with the ability to make fingerprint impressions on the 1400  
standard impression sheets prescribed by the superintendent. The 1401  
office, department, or entity may charge the person a reasonable 1402  
fee for making the impressions. The standard impression sheets the 1403  
superintendent prescribes pursuant to this division may be in a 1404  
tangible format, in an electronic format, or in both tangible and 1405  
electronic formats. 1406

(3) Subject to division (D) of this section, the 1407  
superintendent shall prescribe and charge a reasonable fee for 1408  
providing a criminal records check requested under section 121.08, 1409  
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 1410  
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 1411  
4763.05, 5104.012, 5104.013, ~~5111.95, 5111.96~~ 5111.032, 5111.033, 1412  
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 1413  
Code. The person making a criminal records request under section 1414  
121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 1415  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 1416  
4749.06, 4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 1417  
5126.28, 5126.281, or 5153.111 of the Revised Code shall pay the 1418  
fee prescribed pursuant to this division. A person making a 1419  
request under section 3701.881 of the Revised Code for a criminal 1420

records check for an applicant who may be both responsible for the 1421  
care, custody, or control of a child and involved in providing 1422  
direct care to an older adult shall pay one fee for the request. 1423  
In the case of a request under section 5111.033 of the Revised 1424  
Code, the fee shall be paid in the manner specified in that 1425  
section. 1426

(4) The superintendent of the bureau of criminal 1427  
identification and investigation may prescribe methods of 1428  
forwarding fingerprint impressions and information necessary to 1429  
conduct a criminal records check, which methods shall include, but 1430  
not be limited to, an electronic method. 1431

(D) A determination whether any information exists that 1432  
indicates that a person previously has been convicted of or 1433  
pleaded guilty to any offense listed or described in division 1434  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1435  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1436  
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section 1437  
that is made by the superintendent with respect to information 1438  
considered in a criminal records check in accordance with this 1439  
section is valid for the person who is the subject of the criminal 1440  
records check for a period of one year from the date upon which 1441  
the superintendent makes the determination. During the period in 1442  
which the determination in regard to a person is valid, if another 1443  
request under this section is made for a criminal records check 1444  
for that person, the superintendent shall provide the information 1445  
that is the basis for the superintendent's initial determination 1446  
at a lower fee than the fee prescribed for the initial criminal 1447  
records check. 1448

(E) When the superintendent receives a request for 1449  
information from a registered private provider, the superintendent 1450  
shall proceed as if the request has been received from a school 1451  
district board of education under section 3319.39 of the Revised 1452

Code. The superintendent shall apply division (A)(7) of this 1453  
section to any such request for an applicant who is a teacher. 1454

(F) As used in this section: 1455

(1) "Criminal records check" means any criminal records check 1456  
conducted by the superintendent of the bureau of criminal 1457  
identification and investigation in accordance with division (B) 1458  
of this section. 1459

~~(2) "Home and community based waiver services" and "waiver~~ 1460  
~~agency" have the same meanings as in section 5111.95 of the~~ 1461  
~~Revised Code.~~ 1462

~~(3) "Independent provider" has the same meaning as in section~~ 1463  
~~5111.96 of the Revised Code.~~ 1464

~~(4)~~ "Minor drug possession offense" has the same meaning as 1465  
in section 2925.01 of the Revised Code. 1466

~~(5)~~(3) "Older adult" means a person age sixty or older. 1467

(4) "Registered private provider" means a nonpublic school or 1468  
entity registered with the superintendent of public instruction 1469  
under section 3310.41 of the Revised Code to participate in the 1470  
autism scholarship program or section 3310.58 of the Revised Code 1471  
to participate in the special education scholarship pilot program. 1472

**Sec. 109.93.** The attorney general education fund is hereby 1473  
created in the ~~custody of the treasurer of state treasury~~. The 1474  
fund shall consist of gifts and grants received by the attorney 1475  
general for the purposes of the fund. The fund shall be 1476  
administered by the attorney general and shall be used to support 1477  
various educational programs. These educational programs may 1478  
include programs for consumer protection, victims of crime, 1479  
environmental protection, drug abuse, child abuse, peace officer 1480  
training, crime prevention, and law. The fund may also be used to 1481  
pay costs associated with the solicitation of gifts and grants for 1482

the purposes of the fund, and the costs of administering the fund. 1483  
The fund shall not be used to replace money spent by local 1484  
programs for similar purposes. 1485

**Sec. 111.18.** (A) The secretary of state shall keep a record 1486  
of all fees collected by the secretary of state and, subject to 1487  
division (B) of section 1309.528 of the Revised Code and except as 1488  
otherwise provided in the Revised Code, shall pay them into the 1489  
state treasury to the credit of the corporate and uniform 1490  
commercial code filing fund created by section 1309.528 of the 1491  
Revised Code. 1492

(B) The secretary of state may implement alternative payment 1493  
programs that permit payment of any fee charged by the secretary 1494  
of state by means other than cash, check, money order, or credit 1495  
card; an alternative payment program may include, but is not 1496  
limited to, one that permits a fee to be paid by electronic means 1497  
of transmission. Fees paid under an alternative payment program 1498  
shall be deposited to the credit of the secretary of state 1499  
alternative payment program fund, which is hereby created. ~~The~~ 1500  
~~secretary of state alternative payment program fund shall be in~~ 1501  
~~the custody of the treasurer of state but shall not be part of the~~ 1502  
state treasury. Any investment income of the secretary of state 1503  
alternative payment program fund shall be credited to that fund 1504  
and used to operate the alternative payment program. Within two 1505  
working days following the deposit of funds to the credit of the 1506  
secretary of state alternative payment program fund, the secretary 1507  
of state shall pay those funds ~~into the state treasury~~ to the 1508  
credit of the corporate and uniform commercial code filing fund, 1509  
subject to division (B) of section 1309.401 of the Revised Code 1510  
and except as otherwise provided in the Revised Code. 1511

The secretary of state shall adopt rules necessary to carry 1512  
out the purposes of this division. 1513



Sec. 118.01. As used in this chapter:	1514
(A) "Advance tax payment notes" means the notes authorized by section 118.24 of the Revised Code.	1515 1516
(B) "Appropriation measure" means any appropriation measure, amendment of an appropriation measure, or supplement to an appropriation measure of a municipal corporation, county, or township referred to in sections 5705.38 and 5705.40 of the Revised Code and any other action of a municipal corporation, county, or township authorizing expenditure of money not previously included in any appropriation measure.	1517 1518 1519 1520 1521 1522 1523
(C) "Bond anticipation notes" means notes issued in anticipation of the issuance of bonds.	1524 1525
(D) "Certificate of estimated resources" means the official certificate of estimated resources of the county budget commission and amendments of the certificate certified to the municipal corporation, county, or township as provided for in Chapter 5705. of the Revised Code.	1526 1527 1528 1529 1530
(E) "Commission" means a financial planning and supervision commission created by section 118.05 of the Revised Code with respect to a municipal corporation, county, or township.	1531 1532 1533
(F) "Construction funds" means proceeds from the sale of debt obligations restricted by law or pursuant to the proceedings for the issuance of such debt obligations to use for permanent improvements as defined in division (E) of section 5705.01 of the Revised Code, including acquisition, construction, or extension of public utilities, and moneys from any other sources restricted to such purpose.	1534 1535 1536 1537 1538 1539 1540
(G) "County auditor" means the county auditor with whom tax budgets of the municipal corporation, county, or township are to be filed in accordance with section 5705.30 of the Revised Code.	1541 1542 1543

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

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

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

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

(L) "Default" means failure to pay the principal of or the interest on a debt obligation, or failure to make other payment to be made to the holder or owner of a debt obligation, in the full amount and at the time provided for in the contractual commitment with respect thereto, unless the time for such payment has been extended by the owner or holder of the debt obligation without penalty or premium and without the effect of subjecting the municipal corporation, county, or township to the initiation of remedies pertaining to such debt obligation or other debt obligations.

(M) "Deficit fund" means the general fund or any special fund 1576  
that, as at the time indicated, has a deficit balance or a balance 1577  
that is less than the amount required to be in such fund pursuant 1578  
to law or pursuant to contractual requirements, demonstrating that 1579  
over a period of time expenditures charged or chargeable to the 1580  
fund have exceeded moneys credited to the fund, or that moneys 1581  
credited to the fund have not been in the amounts required by law 1582  
or contractual requirements. 1583

(N) "Effective financial accounting and reporting system" 1584  
means an accounting and reporting system fully in compliance with 1585  
the requirements prescribed by and pursuant to Chapter 117. of the 1586  
Revised Code, with such modifications and supplements as are to be 1587  
provided pursuant to this chapter in order to meet and deal with 1588  
the fiscal emergency, provide to the auditor of state, the 1589  
commission, the financial supervisor, and the county budget 1590  
commission the information needed to carry out their functions, 1591  
and better ensure the implementation of the financial plan. 1592

(O) "Financial plan" means the financial plan approved by the 1593  
commission in accordance with section 118.06 of the Revised Code, 1594  
as it may from time to time be amended in accordance with this 1595  
chapter. 1596

(P) "Financial supervisor" means the auditor of state. 1597

(Q) "Fiscal emergency" means the existence of fiscal 1598  
emergency conditions determined as provided in section 118.04 of 1599  
the Revised Code. 1600

(R) "Fiscal emergency conditions" means any of the events or 1601  
occurrences described in section 118.03 of the Revised Code. 1602

(S) "Fiscal emergency period" means the period of time 1603  
commencing on the date when the determination of a fiscal 1604  
emergency is made by the auditor of state pursuant to section 1605  
118.04 of the Revised Code and ending when the determination of 1606

termination is made and certified pursuant to section 118.27 of 1607  
the Revised Code. 1608

(T) "Fiscal watch" means the existence of fiscal watch 1609  
conditions as determined in accordance with section 118.022 of the 1610  
Revised Code. 1611

(U) "Fiscal officer" means the fiscal officer of the 1612  
municipal corporation, county, or township as defined in division 1613  
(D) of section 5705.01 of the Revised Code. 1614

(V) "Fringe benefits" means expenditures for goods and 1615  
services furnished to municipal, county, or township officers or 1616  
employees by the municipal corporation, county, or township, 1617  
including, but not limited to, such benefits as food, temporary 1618  
housing, and clothing, and the provision of pension, retirement, 1619  
disability, hospitalization, health care, insurance, or other 1620  
benefits to employees requiring the advance payment of money other 1621  
than directly to employees or other beneficiaries, or the deposit 1622  
or reservation of money for such purpose. 1623

(W) "General fund" means the fund referred to in division (A) 1624  
of section 5705.09 of the Revised Code. 1625

(X) "General fund budget" means aggregate revenues available 1626  
in the general fund during the applicable fiscal year as shown by 1627  
the certificate of estimated resources. 1628

(Y) "Mayor" means the officer of the municipal corporation 1629  
designated as such by law or the chief executive officer under the 1630  
charter of the municipal corporation. 1631

(Z) "Payroll" means compensation due and payable to employees 1632  
of the municipal corporation, county, or township, other than 1633  
fringe benefits. 1634

(AA) "Revenue estimates" means the estimates of revenue 1635  
receipts to the credit of the general fund and special funds as 1636

estimated and supplemented, modified, or amended by the municipal corporation, county, or township, or the county budget commission.

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

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

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

(B) All expenses incurred for services rendered by the financial supervisor for a period of twenty-four months shall be paid by the commission pursuant to an appropriation made by the general assembly for this purpose. Expenses incurred for services rendered by the financial supervisor beyond this period shall be borne by the municipal corporation, county, or township unless the director of budget and management waives the costs and allows payment in accordance with the following:

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

(2) If the continued performance of the financial supervisor is required for a period of thirty-one to thirty-six months, the

municipal corporation, county, or township is responsible for 1667  
fifty per cent of the compensation due. 1668

(3) If the continued performance of the financial supervisor 1669  
is required for a period of thirty-seven months or more, the 1670  
municipal corporation, county, or township is responsible for one 1671  
hundred per cent of the compensation due except as otherwise 1672  
provided in division (B)(4) of this section. 1673

(4) If the continued performance of the financial supervisor 1674  
has been required longer than eight fiscal years for any municipal 1675  
corporation, county, or township declared to be in a fiscal 1676  
emergency prior to fiscal year 1996, that municipal corporation, 1677  
county, or township is responsible for fifty per cent of the 1678  
compensation due in its ninth fiscal year while in fiscal 1679  
emergency and one hundred per cent of the compensation due in its 1680  
tenth fiscal year and every fiscal year thereafter while in fiscal 1681  
emergency. 1682

(C) If the municipal corporation, county, or township fails 1683  
to make any payment to the financial supervisor as required by 1684  
this chapter, the financial supervisor may certify to the county 1685  
auditor the amount due, and that amount shall be withheld from the 1686  
municipal corporation, county, or township from any fund or funds 1687  
in the custody of the county auditor for distribution to the 1688  
municipal corporation, county, or township, except for those 1689  
reserved for payment of local government fund or local communities 1690  
fund notes. Upon receiving the certification from the financial 1691  
supervisor, the county auditor shall draw a voucher for the amount 1692  
against those fund or funds in favor of the financial supervisor. 1693

**Sec. 118.17.** (A) During a fiscal emergency period and with 1694  
the approval of the financial planning and supervision commission, 1695  
a municipal corporation, county, or township may issue local 1696  
~~government~~ communities fund notes, in anticipation of amounts to 1697

be allocated to it pursuant to division (B) of section 5747.50 of 1698  
the Revised Code or to be apportioned to it under section 5747.51 1699  
or 5747.53 of the Revised Code in a future year or years, for a 1700  
period of no more than eight calendar years. The principal amount 1701  
of the notes and interest on the notes due and payable in any year 1702  
shall not exceed fifty per cent of the total amount of local 1703  
government fund or local communities fund moneys so allocated or 1704  
apportioned to the municipal corporation, county, or township for 1705  
the year preceding the year in which the notes are issued. The 1706  
notes may mature in semiannual or annual installments in such 1707  
amounts as may be fixed by the commission, and need not mature in 1708  
substantially equal semiannual or annual installments. The notes 1709  
of a municipal corporation may be authorized and issued, subject 1710  
to the approval of the commission, in the manner provided in 1711  
sections 717.15 and 717.16 of the Revised Code, except that, 1712  
notwithstanding division (A)(2) of section 717.16 of the Revised 1713  
Code, the rate or rates of interest payable on the notes shall be 1714  
the prevailing market rate or rates as determined and approved by 1715  
the commission, and except that they shall not be issued in 1716  
anticipation of bonds, shall not constitute general obligations of 1717  
the municipal corporation, and shall not pledge the full faith and 1718  
credit of the municipal corporation. 1719

(B) The principal and interest on the notes provided for in 1720  
this section shall be payable, as provided in this section, solely 1721  
from the portion of the local ~~government~~ communities fund that 1722  
would otherwise be apportioned to the municipal corporation, 1723  
county, or township and shall not be payable from or constitute a 1724  
pledge of or claim upon, or require the levy, collection, or 1725  
application of, any unvoted ad valorem property taxes or other 1726  
taxes, or in any manner occupy any portion of the indirect debt 1727  
limit. 1728

(C) Local ~~government~~ communities fund notes may be issued 1729

only to the extent needed to achieve one or more of the following 1730  
objectives of the financial plan: 1731

(1) Satisfying any contractual or noncontractual judgments, 1732  
past due accounts payable, and all past due and payable payroll 1733  
and fringe benefits to be taken into account under section 118.03 1734  
of the Revised Code; 1735

(2) Restoring to construction funds or other restricted funds 1736  
any money applied from such funds to uses not within the purposes 1737  
of such funds and which could not be transferred to such use under 1738  
section 5705.14 of the Revised Code; 1739

(3) Eliminating deficit balances in all deficit funds, 1740  
including funds that may be used to pay operating expenses. 1741

In addition to the objectives set forth in divisions (C)(1) 1742  
to (3) of this section, local ~~government~~ communities fund notes 1743  
may be issued and the proceeds of those notes may be used for the 1744  
purpose of retiring or replacing other moneys used to retire 1745  
current revenue notes issued pursuant to section 118.23 of the 1746  
Revised Code to the extent that the proceeds of the current 1747  
revenue notes have been or are to be used directly or to replace 1748  
other moneys used to achieve one or more of the objectives of the 1749  
financial plan specified in divisions (C)(1) to (3) of this 1750  
section. Upon authorization of the local ~~government~~ communities 1751  
fund notes by the legislative authority of the municipal 1752  
corporation, county, or township, the proceeds of the local 1753  
~~government~~ communities fund notes and the proceeds of any such 1754  
current revenue notes shall be deemed to be appropriated, to the 1755  
extent that the proceeds have been or are to be so used, for the 1756  
purposes for which the revenues anticipated by any such current 1757  
revenue notes are collected and appropriated within the meaning of 1758  
section 133.10 of the Revised Code. 1759

(D) The need for an issue of local ~~government~~ communities 1760



fund notes for such purposes shall be determined by taking into 1761  
consideration other money and sources of moneys available therefor 1762  
under this chapter or other provisions of law, and calculating the 1763  
respective amounts needed therefor in accordance with section 1764  
118.03 of the Revised Code, including the deductions or offsets 1765  
therein provided, for determining that a fiscal emergency 1766  
condition exists, and by eliminating any duplication of amounts 1767  
thereunder. The respective amounts needed to achieve such 1768  
objectives and the resulting aggregate net amount shall be 1769  
determined initially by a certification of the fiscal officer as 1770  
and to the extent approved by the financial supervisor. The 1771  
principal amount of such notes shall not exceed the aggregate net 1772  
amount needed for such purposes. The aggregate amount of all 1773  
issues of such notes shall not exceed three times the average of 1774  
the allocation or apportionment to the municipal corporation, 1775  
county, or township of moneys from the local ~~government~~ 1776  
communities fund in each of the three fiscal years preceding the 1777  
fiscal year in which the notes are issued. 1778

(E) The proceeds of the sale of local ~~government~~ communities 1779  
fund notes shall be appropriated by the municipal corporation, 1780  
county, or township for and shall be applied only to the purposes, 1781  
and in the respective amounts for those purposes, set forth in the 1782  
certification given pursuant to division (D) of this section, as 1783  
the purposes and amounts may be modified in the approval by the 1784  
commission provided for in this section. The proceeds shall be 1785  
deposited in separate accounts with a fiscal agent designated in 1786  
the resolution referred to in division (F) of this section and 1787  
released only for such respective purposes in accordance with the 1788  
procedures set forth in division (D) of section 118.20 of the 1789  
Revised Code. Any amounts not needed for such purposes shall be 1790  
deposited with the fiscal agent designated to receive deposits for 1791  
payment of the principal of and interest due on the notes. 1792

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

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

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

The commission shall certify a copy of its approval, of the preliminary resolution, and of the related certification and action of the financial supervisor to the fiscal officer, the financial supervisor, the county budget commission, the county auditor, the county treasurer, and the fiscal agent designated to receive and disburse the proceeds of the sale of the notes.

(G) Upon the sale of any local ~~government~~ communities fund notes issued under this section, the commission shall determine a schedule for the deposit of local ~~government~~ communities fund distributions that are pledged for the payment of the principal of

and interest on the notes with the fiscal agent or trustee 1825  
designated in the agreement between the municipal corporation, 1826  
county, or township and the holders of the notes to receive and 1827  
disburse the distributions. The amounts to be deposited shall be 1828  
adequate to provide for the payment of principal and interest on 1829  
the notes when due and to pay all other proper charges, costs, or 1830  
expenses pertaining thereto. 1831

The amount of the local ~~government~~ communities fund moneys 1832  
apportioned to the municipal corporation, county, or township that 1833  
is to be so deposited in each year shall not be included in the 1834  
tax budget and appropriation measures of the municipal 1835  
corporation, county, or township, or in certificates of estimated 1836  
revenues, for that year. 1837

The commission shall certify the schedule to the officers 1838  
designated in division (F) of this section. 1839

(H) Deposit of amounts with the fiscal agent or trustee 1840  
pursuant to the schedule determined by the commission shall be 1841  
made from local ~~government~~ communities fund distributions to or 1842  
apportioned to the municipal corporation, county, or township as 1843  
provided in this division. The apportionment of local ~~government~~ 1844  
communities fund moneys to the municipal corporation, county, or 1845  
township for any year from the undivided local ~~government~~ 1846  
communities fund shall be determined as to the municipal 1847  
corporation, county, or township without regard to the amounts to 1848  
be deposited with the fiscal agent or trustee in that year in 1849  
accordance with division (G) of this section. After the amount of 1850  
the undivided local ~~government~~ communities fund apportioned to the 1851  
municipal corporation, county, or township for a calendar year is 1852  
determined, the county auditor and the county treasurer shall 1853  
withhold from each monthly amount to be distributed to the 1854  
municipal corporation, county, or township from the undivided 1855  
local ~~government~~ communities fund, and transmit to the fiscal 1856

agent or trustee for deposit, one-twelfth of the amount scheduled 1857  
for deposit in that year pursuant to division (G) of this section. 1858

(I) If the commission approves the application, the municipal 1859  
corporation, county, or township may proceed with the issuance of 1860  
the notes as approved by the commission. 1861

All notes issued under authority of this section are lawful 1862  
investments for the entities enumerated in division (A)(1) of 1863  
section 133.03 of the Revised Code and are eligible as security 1864  
for the repayment of the deposit of public moneys. 1865

Upon the issuance of any notes under this section, the fiscal 1866  
officer of the municipal corporation, county, or township shall 1867  
certify the fact of the issuance to the county auditor and shall 1868  
also certify to the county auditor the last calendar year in which 1869  
any of the notes are scheduled to mature. 1870

(J) After the legislative authority of the municipal 1871  
corporation, county, or township has passed an ordinance or 1872  
resolution authorizing the issuance of local ~~government~~ 1873  
communities fund notes and subsequent to the commission's 1874  
preliminary or final approval of the ordinance or resolution, the 1875  
director of law, prosecuting attorney, or other chief legal 1876  
officer of the municipal corporation, county, or township shall 1877  
certify a sample of the form and content of a note to be used to 1878  
issue the local ~~government~~ communities fund notes to the 1879  
commission. The commission shall determine whether the sample note 1880  
is consistent with this section and the ordinance or resolution 1881  
authorizing the issuance of the local ~~government~~ communities fund 1882  
notes, and if the sample note is found to be consistent with this 1883  
section and the ordinance, the commission shall approve the sample 1884  
note for use by the municipal corporation, county, or township. 1885  
The form and content of the notes to be used by the municipal 1886  
corporation, county, or township in issuing the local ~~government~~ 1887  
communities fund notes may be modified at any time subsequent to 1888

the commission's approval of the sample note upon the approval of 1889  
the commission and the director of law, prosecuting attorney, or 1890  
other chief legal officer of the municipal corporation, county, or 1891  
township. The failure of the director of law, prosecuting 1892  
attorney, or other chief legal officer of the municipal 1893  
corporation, county, or township to make the certification 1894  
required by this division shall not subject that legal officer to 1895  
removal pursuant to the Revised Code or the charter of a municipal 1896  
corporation. If the director of law, prosecuting attorney, or 1897  
other chief legal officer fails or refuses to make the 1898  
certification required by this division, or if any officer of the 1899  
municipal corporation, county, or township fails or refuses to 1900  
take any action required by this section or the ordinance or 1901  
resolution authorizing the issuance or sale of local ~~government~~ 1902  
communities fund notes, the mayor of the municipal corporation or 1903  
the board of county commissioners or board of township trustees 1904  
may cause the commencement of a mandamus action in the supreme 1905  
court against the director of law, prosecuting attorney, or other 1906  
chief legal officer to secure the certification required by this 1907  
division or other action required by this section or the ordinance 1908  
or resolution. If an adjudication of the matters that could be 1909  
adjudicated in validation proceedings under section 133.70 of the 1910  
Revised Code is necessary to a determination of the mandamus 1911  
action, the mayor, the board of county commissioners, or the board 1912  
of township trustees or the mayor's or board's legal counsel shall 1913  
name and cause to be served as defendants to the mandamus action 1914  
all of the following: 1915

(1) The director of law, prosecuting attorney, or other chief 1916  
legal officer, or other official of the municipal corporation, 1917  
county, or township, whose failure or refusal to act necessitated 1918  
the action; 1919

(2) The municipal corporation, through its mayor, or the 1920

board of county commissioners or board of township trustees;	1921
(3) The financial planning and supervision commission, through its chairperson;	1922 1923
(4) The prosecuting attorney and auditor of each county in which the municipal corporation, county, or township is located, in whole or in part;	1924 1925 1926
(5) The auditor of state;	1927
(6) The property owners, taxpayers, citizens of the municipal corporation, county, or township and others having or claiming any right, title, or interest in any property or funds to be affected by the issuance of the local <del>government</del> <u>communities</u> fund notes by the municipal corporation, county, or township, or otherwise affected in any way thereby.	1928 1929 1930 1931 1932 1933
Service upon all defendants described in division (J)(6) of this section shall be by publication three times, with at least six days between each publication, in a newspaper of general circulation in Franklin county and a newspaper of general circulation in the county or counties where the municipal corporation, county, or township is located. The publication and the notice shall indicate that the nature of the action is in mandamus, the name of the parties to the action, and that the action may result in the validation of the subject local <del>government</del> <u>communities</u> fund notes. Authorization to commence such an action by the legislative authority of the municipal corporation, county, or township is not required.	1934 1935 1936 1937 1938 1939 1940 1941 1942 1943 1944 1945
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 <del>government</del> <u>communities</u> fund notes is not lawful or has not been duly authorized, defense	1946 1947 1948 1949 1950 1951

shall be made to the complaint as the attorney general considers 1952  
proper. 1953

(K) The action in mandamus authorized by division (J) of this 1954  
section shall take priority over all other civil cases pending in 1955  
the court, except habeas corpus, and shall be determined with the 1956  
least possible delay. The supreme court may determine that the 1957  
local ~~government~~ communities fund notes will be consistent with 1958  
the purpose and effects, including not occupying the indirect debt 1959  
limit, provided for in this section and will be validly issued and 1960  
acquired. Such a determination shall include a finding of 1961  
validation of the subject local ~~government~~ communities fund notes 1962  
if the court specifically finds that: 1963

(1) The complaint in mandamus, or subsequent pleadings, 1964  
include appropriate allegations required by division (C) of 1965  
section 133.70 of the Revised Code, and that the proceeding is in 1966  
lieu of an action to validate under section 133.70 of the Revised 1967  
Code; 1968

(2) All parties described in divisions (J)(1) to (6) of this 1969  
section have been duly served with notice or are otherwise 1970  
properly before the court; 1971

(3) Notice of the action has been published as required by 1972  
division (J) of this section; 1973

(4) The effect of validation is required to provide a 1974  
complete review and determination of the controversy in mandamus, 1975  
and to avoid duplication of litigation, danger of inconsistent 1976  
results, or inordinate delay in light of the fiscal emergency, or 1977  
that a disposition in the mandamus action would, as a practical 1978  
matter, be dispositive of any subsequent validation proceedings 1979  
under section 133.70 of the Revised Code. 1980

(L) Any decision that includes a finding of validation has 1981  
the same effect as a validation order established by an action 1982

under section 133.70 of the Revised Code. 1983

(M) Divisions (J) and (K) of this section do not prevent a 1984  
municipal corporation, county, or township from using section 1985  
133.70 of the Revised Code to validate local ~~government~~ 1986  
communities fund notes by the filing of a petition for validation 1987  
in the court of common pleas of the county in which the municipal 1988  
corporation, county, or township is located, in whole or in part. 1989

(N) It is hereby determined by the general assembly that a 1990  
validation action authorized by section 133.70 of the Revised Code 1991  
is not an adequate remedy at law with respect to a municipal 1992  
corporation, county, or township that is a party to a mandamus 1993  
action pursuant to divisions (J) and (K) of this section and in 1994  
which a fiscal emergency condition has been determined to exist 1995  
pursuant to section 118.04 of the Revised Code because of, but not 1996  
limited to, the following reasons: 1997

(1) It is urgently necessary for such a municipal 1998  
corporation, county, or township to take prompt action to issue 1999  
local ~~government~~ communities fund notes for the purposes provided 2000  
in division (C) of this section; 2001

(2) The potentially ruinous effect upon the fiscal condition 2002  
of a municipal corporation, county, or township by the passage of 2003  
the time required to adjudicate such a separate validation action 2004  
and any appeals thereof; 2005

(3) The reasons stated in division (K)(4) of this section. 2006

**Sec. 118.20.** Pursuant to section 118.19 of the Revised Code: 2007

(A) The ordinance or resolution authorizing the debt 2008  
obligations may provide for the pledge of, and covenants to levy, 2009  
charge, collect, deposit, and apply ad valorem property taxes, 2010  
income taxes, excises, utility revenues, local ~~government~~ 2011  
communities fund receipts, permit and license fees, and any other 2012



receipts from taxes, permits, licenses, fines, or other sources of 2013  
revenue of the municipal corporation, county, or township; accrued 2014  
and capitalized interest and premium from the proceeds of the sale 2015  
of the debt obligations, lawfully available for the purpose, to 2016  
the payment of the debt service and costs of issuing, carrying, 2017  
redeeming, and retiring such debt obligations; covenants in 2018  
respect of the establishment, investment, segregation, and 2019  
maintenance of any funds or reserves in connection with the debt 2020  
obligations and any other funds of the municipal corporation, 2021  
county, or township. No pledge may be made in a manner which 2022  
impairs the contract rights of the holders of any outstanding debt 2023  
obligations. 2024

(B) The ordinance or resolution authorizing the debt 2025  
obligations may designate a fiscal agent for the debt obligations, 2026  
or the fiscal agent may be designated by other ordinance or 2027  
resolution of the legislative authority of the municipal 2028  
corporation, county, or township. The fiscal agent may be a 2029  
purchaser of such debt obligations or other debt obligations of 2030  
the municipal corporation, county, or township. 2031

(C) The ordinance or resolution authorizing the debt 2032  
obligations may provide for immediate or periodic deposit of 2033  
pledged receipts or a portion thereof in one or more separate bank 2034  
accounts, funds, or other accounts established with the fiscal 2035  
agent. Provision may be made therein for pledged receipts that are 2036  
collected by the state, the county, the township, or any agency 2037  
for the municipal corporation, county, or township to be 2038  
transferred by the appropriate officer of the state or county or 2039  
agency having charge of the collection or distribution of such 2040  
pledged receipts directly to the fiscal agent for deposit under 2041  
the ordinance or resolution. Such officers of the state and county 2042  
or agent shall transfer such pledged receipts in accordance with 2043  
this section and the ordinance. The fiscal agent shall disburse 2044

funds so held for payments when due in accordance with the 2045  
ordinance or resolution, including the transfer of funds to paying 2046  
agents for the debt obligations at the times and in the amounts 2047  
required. Until needed for such purposes, the fiscal agent shall 2048  
invest the funds on behalf of the municipal corporation, county, 2049  
or township in obligations that are lawful for the investment of 2050  
public funds of the municipal corporation, county, or township, 2051  
including provisions for such investments in a municipal charter, 2052  
in the manner provided for in the ordinance or resolution. Funds 2053  
held by the fiscal agent and all moneys and securities therein and 2054  
pledged receipts payable thereto in accordance with the ordinance 2055  
or resolution are hereby declared to be property of the municipal 2056  
corporation, county, or township devoted to essential governmental 2057  
purposes and accordingly shall not be applied to any purpose other 2058  
than as provided herein and shall not be subject to any order, 2059  
judgment, lien, execution, attachment, setoff, or counterclaim by 2060  
any creditor of the municipal corporation, county, or township 2061  
other than a creditor for whose benefit such fund is established 2062  
and maintained and who is entitled thereto under and pursuant to 2063  
this section. 2064

(D) The ordinance or resolution authorizing the debt 2065  
obligations shall provide that proceeds of the debt obligations 2066  
shall be deposited with a fiscal agent in a special and separate 2067  
bank account and held in trust and expended only for the object or 2068  
purpose for which such debt obligations were issued. A copy of the 2069  
ordinance or resolution authorizing the debt obligations shall be 2070  
filed with such fiscal agent at or prior to the time the proceeds 2071  
are made available to the municipal corporation, county, or 2072  
township. No moneys shall be withdrawn from such account unless 2073  
there is filed with such fiscal agent a written requisition of the 2074  
fiscal officer of the municipal corporation, county, or township 2075  
or the fiscal officer's authorized deputy, setting forth the item 2076  
number of the requisition or the account to be charged, the name 2077

of the person to whom payment is due, the amount to be paid, a 2078  
statement to the effect that the obligation in the stated amount 2079  
has been incurred by the municipal corporation, county, or 2080  
township and is a proper charge against such account, and such 2081  
other information as may be required by the ordinance or 2082  
resolution. Pending such withdrawals, the moneys shall be invested 2083  
for and on behalf of the municipal corporation, county, or 2084  
township by the fiscal agent in obligations which are lawful for 2085  
the investment of public funds of the municipal corporation, 2086  
county, or township, including provisions for such investments in 2087  
a municipal charter, in the manner as provided for in the 2088  
ordinance or resolution. 2089

(E) Amounts held by fiscal agents shall be accounted for in 2090  
the appropriate special funds of the municipal corporation, 2091  
county, or township as if held in the treasury of the municipal 2092  
corporation, county, or township, and the fiscal agents shall 2093  
provide such information to the municipal corporation, county, or 2094  
township as is necessary for the purpose. 2095

(F) The ordinance or resolution authorizing the debt 2096  
obligations may contain covenants of the municipal corporation, 2097  
county, or township to protect and safeguard the security and 2098  
rights of the holders of such debt obligations, and without 2099  
limiting the generality of the foregoing, such ordinance or 2100  
resolution may contain covenants as to: 2101

(1) Establishment and maintenance of the funds to be held by 2102  
fiscal agents as provided in this section and section 118.23 of 2103  
the Revised Code, the times, amounts, and levels for deposits to 2104  
such funds, and the obligations in which the proceeds of such 2105  
funds may be invested pending their use, subject to such 2106  
limitations on investment of public funds otherwise provided for 2107  
by law or pursuant to the charter of a municipal corporation; 2108

(2) The appointment, rights, powers, and duties of the fiscal 2109

agent, including limiting or abrogating the right of the holders 2110  
to appoint a trustee pursuant to section 118.21 of the Revised 2111  
Code and vesting in the fiscal agent all or any of such rights, 2112  
powers, and duties, in trust; 2113

(3) The execution of a credit agreement with the fiscal agent 2114  
for the benefit of holders of such debt obligations and for the 2115  
benefit of any other holders of other debt obligations of the 2116  
municipal corporation, county, or township then outstanding, 2117  
provided, however, that such benefit conferred on such holders of 2118  
such outstanding debt obligations shall not be deemed to restrict, 2119  
preclude, or otherwise impair any rights that such holders 2120  
otherwise may assert; 2121

(4) Filings, review, and correction of tax budgets, 2122  
appropriation measures, annual reports, audits, and other matters 2123  
of financial record; 2124

(5) Compliance with the provisions of this chapter and the 2125  
financial plan and other laws applicable to the municipal 2126  
corporation, county, or township including Chapters 133. and 5705. 2127  
of the Revised Code, and with further restrictions on the powers, 2128  
rights, and duties of the municipal corporation, county, or 2129  
township necessary, appropriate, or desirable for the proper, 2130  
provident, and efficient management of financial affairs that the 2131  
municipal corporation, county, or township, with the approval of 2132  
the commission or, when authorized by the commission, the 2133  
financial supervisor, determines will assure prompt payment when 2134  
due of its debt obligations; 2135

(6) Conditions that would give rise to an event of default 2136  
under the terms of such ordinance and actions and remedies that 2137  
the fiscal agent may take or assert on behalf of the holders of 2138  
such debt obligations; 2139

(7) Restrictions on the issuance of other debt obligations. 2140

Sec. 118.23. (A) This section shall be applicable to current 2141  
revenue notes approved by the financial planning and supervision 2142  
commission or, when authorized by the commission, the financial 2143  
supervisor pursuant to section 118.15 of the Revised Code and 2144  
issued by a municipal corporation, county, or township pursuant to 2145  
section 133.10 of the Revised Code and this section during a 2146  
fiscal emergency period. 2147

(B) In the case of the issuance of such current revenue notes 2148  
in anticipation of ad valorem property taxes, the county auditors 2149  
of the counties in which the municipal corporation, county, or 2150  
township is located, at the time of and from each distribution to 2151  
the municipality of the proceeds of the anticipated taxes, 2152  
including any payments from the state pursuant to sections 321.24 2153  
and 323.156 of the Revised Code, whether such distribution be in 2154  
the form of an advance or settlement that would otherwise have 2155  
been paid to a fund or funds of the municipal corporation, county, 2156  
or township, shall draw a separate warrant for payment to the 2157  
county auditor for deposit in a special account to be held and 2158  
applied pursuant to this section by the county auditor as fiscal 2159  
agent and entitled "..... (insert name of municipal corporation, 2160  
county, or township) current tax revenue note retirement account," 2161  
that portion of such distribution as provided for in the ordinance 2162  
or resolution authorizing such notes pursuant to this section. 2163

(C) In the case of the issuance of such current revenue notes 2164  
in anticipation of revenues other than ad valorem property taxes, 2165  
the ordinance or resolution authorizing such notes shall provide 2166  
for the times and amounts of deposits with the fiscal agent by the 2167  
municipal corporation, county, or township of moneys from the 2168  
revenues anticipated that shall be deposited in a special account 2169  
to be held and applied by the fiscal agent pursuant to this 2170  
section and entitled "..... (insert name of municipal 2171  
corporation, county, or township) current revenue note retirement 2172

account." Such ordinance or resolution may provide for the direct 2173  
deposit to such account by the auditor of state and the county 2174  
auditor or county auditors of the receiving counties, as 2175  
appropriate, of such portions as therein specified of local 2176  
~~government~~ communities fund distribution to be made to the 2177  
municipal corporation, county, or township. 2178

(D) The moneys in the accounts provided for in divisions (B) 2179  
and (C) of this section are pledged and shall be used, so long as 2180  
any portion of the debt service on such notes payable from the 2181  
respective account is unpaid, solely for the purpose of paying 2182  
such debt service, and for any reserves for debt service provided 2183  
for in the ordinance or resolution authorizing such debt 2184  
obligations. If accumulated payments into either account produce 2185  
an amount less than that needed to make a timely payment of debt 2186  
service or to such reserves, the full amount needed to make up any 2187  
such deficiency shall be paid, in the case of the current tax 2188  
revenue note retirement account, by the county auditor into such 2189  
account from the last distribution or distributions to the 2190  
municipal corporation, county, or township of the proceeds of the 2191  
anticipated taxes to be received prior to the date of such 2192  
payment, and in the case of the current revenue note retirement 2193  
account, by the fiscal officer from the anticipated revenues 2194  
received prior to the date of such payment. 2195

(E) The amounts to be deposited in each respective account 2196  
pursuant to divisions (B), (C), and (D) of this section must be 2197  
sufficient, in time and amount, to pay the principal of and 2198  
interest on current notes payable from such account at their 2199  
stated payment dates and to develop and maintain the required 2200  
amounts in any such reserves. 2201

(F) The municipal corporation, county, or township shall not 2202  
be entitled to receive from the fiscal agent any moneys held in 2203  
the current tax revenue note retirement account or current revenue 2204

note retirement account, except that any surplus moneys remaining 2205  
in either such account after the payment in full of the debt 2206  
service on the notes payable therefrom shall be paid to the 2207  
municipal corporation, county, or township, to be used for any 2208  
lawful purpose of the municipal corporation, county, or township 2209  
for which the anticipated revenues themselves might have been 2210  
used. 2211

(G) Current revenue notes of a municipal corporation, county, 2212  
or township issued during a fiscal emergency period may mature on 2213  
or before the thirty-first day of December of the calendar year in 2214  
which issued, may, when issued in anticipation of the collection 2215  
of current tax revenues, anticipate one-half of the amount that 2216  
the budget commission estimates the subdivision will receive from 2217  
all property taxes that are to be distributed to the subdivision 2218  
from all settlements of taxes that are to be made in the remainder 2219  
of that year, other than taxes to be received for the payment of 2220  
debt charges, and less all advances, and may, if issued during the 2221  
last two months of the calendar year in which the fiscal emergency 2222  
period commenced, anticipate one-half the estimated amount of ad 2223  
valorem property taxes levied in that year for the tax budget of 2224  
the following year which were authorized to be levied by the 2225  
municipal charter or otherwise authorized by vote of the 2226  
electorate of the municipal corporation, county, or township and 2227  
may mature not later than the thirty-first day of December of the 2228  
year following the year in which such notes are issued, 2229  
notwithstanding section 133.10 of the Revised Code. 2230

(H) Pursuant to section 118.19 of the Revised Code, the 2231  
municipal corporation, county, or township may utilize any of the 2232  
special provisions of sections 118.20 to 118.22 of the Revised 2233  
Code in connection with such current revenue notes. 2234

(I) Before any such current revenue notes may be authorized, 2235  
the municipal corporation, county, or township shall submit to the 2236

commission and the commission or, when authorized by the 2237  
commission, the financial supervisor shall approve: 2238

(1) A schedule of projected revenues and expenses of the 2239  
municipal corporation, county, or township during the period in 2240  
which such notes would be outstanding, demonstrating an 2241  
anticipated cash flow deficit during such period, the amount of 2242  
such anticipated cash flow deficit, and the necessity for the 2243  
issuance of such current revenue notes to avoid the occurrence of 2244  
such a cash flow deficit; 2245

(2) The terms of the proposed notes, including the interest 2246  
rate or rates to be paid thereon; 2247

(3) The schedule, showing times, amounts, and sources of 2248  
payment, for deposits into the account from which such notes are 2249  
to be paid; 2250

(4) Other documents and data required under section 118.15 of 2251  
the Revised Code. 2252

**Sec. 119.07.** Except when a statute prescribes a notice and 2253  
the persons to whom it shall be given, in all cases in which 2254  
section 119.06 of the Revised Code requires an agency to afford an 2255  
opportunity for a hearing prior to the issuance of an order, the 2256  
agency shall give notice to the party informing ~~him~~ the party of 2257  
~~his~~ the party's right to a hearing. Notice shall be given by 2258  
registered or certified mail, return receipt requested, and shall 2259  
include the charges or other reasons for the proposed action, the 2260  
law or rule directly involved, and a statement informing the party 2261  
that ~~he~~ the party is entitled to a hearing if ~~he~~ the party 2262  
requests it within thirty days of the time of mailing the notice. 2263  
The notice shall also inform the party that at the hearing ~~he~~ the 2264  
party may appear in person, by ~~his~~ the party's attorney, or by 2265  
such other representative as is permitted to practice before the 2266  
agency, or may present ~~his~~ the party's position, arguments, or 2267



contentions in writing and that at the hearing ~~he~~ the party may 2268  
present evidence and examine witnesses appearing for and against 2269  
~~him~~ the party. A copy of the notice shall be mailed to attorneys 2270  
or other representatives of record representing the party. This 2271  
paragraph does not apply to situations in which such section 2272  
provides for a hearing only when it is requested by the party. 2273

When a statute specifically permits the suspension of a 2274  
license without a prior hearing, notice of the agency's order 2275  
shall be sent to the party by registered or certified mail, return 2276  
receipt requested, not later than the business day next succeeding 2277  
such order. The notice shall state the reasons for the agency's 2278  
action, cite the law or rule directly involved, and state that the 2279  
party will be afforded a hearing if ~~he~~ the party requests it 2280  
within thirty days of the time of mailing the notice. A copy of 2281  
the notice shall be mailed to attorneys or other representatives 2282  
of record representing the party. 2283

Whenever a party requests a hearing in accordance with this 2284  
section and section 119.06 of the Revised Code, the agency shall 2285  
immediately set the date, time, and place for the hearing and 2286  
forthwith notify the party thereof. The date set for the hearing 2287  
shall be within fifteen days, but not earlier than seven days, 2288  
after the party has requested a hearing, unless otherwise agreed 2289  
to by both the agency and the party. 2290

When any notice sent by registered or certified mail, as 2291  
required by sections 119.01 to 119.13 of the Revised Code, is 2292  
returned because of failure of delivery the agency shall send the 2293  
notice by ordinary mail to the party at the party's last known 2294  
address and shall obtain a certificate of mailing. Service by 2295  
ordinary mail is complete when the certificate of mailing is 2296  
obtained. If a notice sent by ordinary mail is returned showing 2297  
failure of delivery, the agency shall notify the attorneys or 2298  
other representatives of record representing the party of the 2299

failure of delivery and serve a copy of the notice upon them, by 2300  
ordinary or registered or certified mail; if ordinary mail is 2301  
used, the agency shall obtain a certificate of mailing. Service 2302  
upon the attorneys or other representatives of record is complete 2303  
when the notice is mailed. If there are no attorneys or other 2304  
representatives of record representing the party, the agency 2305  
either shall make personal delivery of the notice by an employee 2306  
or agent of the agency or shall cause a summary of the substantive 2307  
provisions of the notice to be published once a week for three 2308  
consecutive weeks in a newspaper of general circulation in the 2309  
county where the last known ~~place of residence or business~~ address 2310  
of the party is located. When notice is given by publication, a 2311  
~~copy of the newspaper~~ a proof of publication affidavit, with the 2312  
first publication of the notice ~~marked~~ set forth in the affidavit, 2313  
shall be mailed by ordinary mail to the party at the party's last 2314  
known address and the notice shall be deemed received as of the 2315  
date of the last publication. An employee or agent of the agency 2316  
may make personal delivery of the notice upon a party at any time. 2317

Refusal of delivery by personal service or by mail is not 2318  
failure of delivery. Failure of delivery occurs only when, with 2319  
reasonable diligence, a party cannot be found to make personal 2320  
service of a notice, or if a mailed notice is returned by the 2321  
postal authorities marked undeliverable, addressee unknown, or 2322  
forwarding address unknown or expired. A party's last known 2323  
address is the mailing address of the party appearing in the 2324  
records of the agency. 2325

The failure of an agency to give the notices for any hearing 2326  
required by sections 119.01 to 119.13 of the Revised Code in the 2327  
manner provided in this section shall invalidate any order entered 2328  
pursuant to the hearing. 2329

**Sec. 120.33.** (A) In lieu of using a county public defender or 2330

joint county public defender to represent indigent persons in the 2331  
proceedings set forth in division (A) of section 120.16 of the 2332  
Revised Code, the board of county commissioners of any county may 2333  
adopt a resolution to pay counsel who are either personally 2334  
selected by the indigent person or appointed by the court. The 2335  
resolution shall include those provisions the board of county 2336  
commissioners considers necessary to provide effective 2337  
representation of indigent persons in any proceeding for which 2338  
counsel is provided under this section. The resolution shall 2339  
include provisions for contracts with any municipal corporation 2340  
under which the municipal corporation shall reimburse the county 2341  
for counsel appointed to represent indigent persons charged with 2342  
violations of the ordinances of the municipal corporation. 2343

(1) In a county that adopts a resolution to pay counsel, an 2344  
indigent person shall have the right to do either of the 2345  
following: 2346

(a) To select the person's own personal counsel to represent 2347  
the person in any proceeding included within the provisions of the 2348  
resolution; 2349

(b) To request the court to appoint counsel to represent the 2350  
person in such a proceeding. 2351

(2) The court having jurisdiction over the proceeding in a 2352  
county that adopts a resolution to pay counsel shall, after 2353  
determining that the person is indigent and entitled to legal 2354  
representation under this section, do either of the following: 2355

(a) By signed journal entry recorded on its docket, enter the 2356  
name of the lawyer selected by the indigent person as counsel of 2357  
record; 2358

(b) Appoint counsel for the indigent person if the person has 2359  
requested the court to appoint counsel and, by signed journal 2360  
entry recorded on its dockets, enter the name of the lawyer 2361

appointed for the indigent person as counsel of record. 2362

(3) The board of county commissioners shall establish a 2363  
schedule of fees by case or on an hourly basis to be paid to 2364  
counsel for legal services provided pursuant to a resolution 2365  
adopted under this section. Prior to establishing the schedule, 2366  
the board of county commissioners shall request the bar 2367  
association or associations of the county to submit a proposed 2368  
schedule. The schedule submitted shall be subject to the review, 2369  
amendment, and approval of the board of county commissioners. 2370

(4) Counsel selected by the indigent person or appointed by 2371  
the court at the request of an indigent person in a county that 2372  
adopts a resolution to pay counsel, except for counsel appointed 2373  
to represent a person charged with any violation of an ordinance 2374  
of a municipal corporation that has not contracted with the county 2375  
commissioners for the payment of appointed counsel, shall be paid 2376  
by the county and shall receive the compensation and expenses the 2377  
court approves. Each request for payment shall be accompanied by a 2378  
financial disclosure form and an affidavit of indigency that are 2379  
completed by the indigent person on forms prescribed by the state 2380  
public defender. Compensation and expenses shall not exceed the 2381  
amounts fixed by the board of county commissioners in the schedule 2382  
adopted pursuant to division (A)(3) of this section. No court 2383  
shall approve compensation and expenses that exceed the amount 2384  
fixed pursuant to division (A)(3) of this section. 2385

The fees and expenses approved by the court shall not be 2386  
taxed as part of the costs and shall be paid by the county. 2387  
However, if the person represented has, or may reasonably be 2388  
expected to have, the means to meet some part of the cost of the 2389  
services rendered to the person, the person shall pay the county 2390  
an amount that the person reasonably can be expected to pay. 2391  
Pursuant to section 120.04 of the Revised Code, the county shall 2392  
pay to the state public defender a percentage of the payment 2393

received from the person in an amount proportionate to the 2394  
percentage of the costs of the person's case that were paid to the 2395  
county by the state public defender pursuant to this section. The 2396  
money paid to the state public defender shall be credited to the 2397  
client payment fund created pursuant to division (B)(5) of section 2398  
120.04 of the Revised Code. 2399

The county auditor shall draw a warrant on the county 2400  
treasurer for the payment of counsel in the amount fixed by the 2401  
court, plus the expenses the court fixes and certifies to the 2402  
auditor. The county auditor shall report periodically, but not 2403  
less than annually, to the board of county commissioners and to 2404  
the ~~Ohio state~~ public defender ~~commission~~ the amounts paid out 2405  
pursuant to the approval of the court. The board of county 2406  
commissioners, after review and approval of the auditor's report, 2407  
or the county auditor, with permission from and notice to the 2408  
board of county commissioners, may then certify it to the state 2409  
public defender for reimbursement. If a request for reimbursement 2410  
is not accompanied by a financial disclosure form and an affidavit 2411  
of indigency completed by the indigent person on forms prescribed 2412  
by the state public defender and the court does not certify by 2413  
electronic signature as prescribed by the state public defender 2414  
that a financial disclosure form and affidavit of indigency have 2415  
been completed by the indigent person and are available for 2416  
inspection, the state public defender shall not pay the requested 2417  
reimbursement. If a request for the reimbursement of the cost of 2418  
counsel in any case is not received by the state public defender 2419  
within ninety days after the end of the calendar month in which 2420  
the case is finally disposed of by the court, unless the county 2421  
has requested and the state public defender has granted an 2422  
extension of the ninety-day limit, the state public defender shall 2423  
not pay the requested reimbursement. The state public defender 2424  
shall also review the report and, in accordance with the 2425  
standards, guidelines, and maximums established pursuant to 2426

divisions (B)(7) and (8) of section 120.04 of the Revised Code, 2427  
prepare a voucher for fifty per cent of the total cost of each 2428  
county appointed counsel system in the period of time covered by 2429  
the certified report and a voucher for fifty per cent of the costs 2430  
and expenses that are reimbursable under section 120.35 of the 2431  
Revised Code, if any, or, if the amount of money appropriated by 2432  
the general assembly to reimburse counties for the operation of 2433  
county public defender offices, joint county public defender 2434  
offices, and county appointed counsel systems is not sufficient to 2435  
pay fifty per cent of the total cost of all of the offices and 2436  
systems other than costs and expenses that are reimbursable under 2437  
section 120.35 of the Revised Code, for the lesser amount required 2438  
by section 120.34 of the Revised Code. 2439

(5) If any county appointed counsel system fails to maintain 2440  
the standards for the conduct of the system established by the 2441  
rules of the Ohio public defender commission pursuant to divisions 2442  
(B) and (C) of section 120.03 or the standards established by the 2443  
state public defender pursuant to division (B)(7) of section 2444  
120.04 of the Revised Code, the Ohio public defender commission 2445  
shall notify the board of county commissioners of the county that 2446  
the county appointed counsel system has failed to comply with its 2447  
rules or the standards of the state public defender. Unless the 2448  
board of county commissioners corrects the conduct of its 2449  
appointed counsel system to comply with the rules and standards 2450  
within ninety days after the date of the notice, the state public 2451  
defender may deny all or part of the county's reimbursement from 2452  
the state provided for in division (A)(4) of this section. 2453

(B) In lieu of using a county public defender or joint county 2454  
public defender to represent indigent persons in the proceedings 2455  
set forth in division (A) of section 120.16 of the Revised Code, 2456  
and in lieu of adopting the resolution and following the procedure 2457  
described in division (A) of this section, the board of county 2458

commissioners of any county may contract with the state public 2459  
defender for the state public defender's legal representation of 2460  
indigent persons. A contract entered into pursuant to this 2461  
division may provide for payment for the services provided on a 2462  
per case, hourly, or fixed contract basis. 2463

(C) If a court appoints an attorney pursuant to this section 2464  
to represent a petitioner in a postconviction relief proceeding 2465  
under section 2953.21 of the Revised Code, the petitioner has 2466  
received a sentence of death, and the proceeding relates to that 2467  
sentence, the attorney who represents the petitioner in the 2468  
proceeding pursuant to the appointment shall be certified under 2469  
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 2470  
represent indigent defendants charged with or convicted of an 2471  
offense for which the death penalty can be or has been imposed. 2472

Sec. 122.051. There is hereby created in the state treasury 2473  
the international trade cooperative projects fund. The fund shall 2474  
consist of moneys received from private and nonprofit 2475  
organizations involved in cooperative agreements related to 2476  
import/export and direct foreign investment activities and cash 2477  
transfers from other state agencies or any state or local 2478  
government to encourage, promote, and assist trade and commerce 2479  
between this state and foreign nations, pursuant to section 122.05 2480  
and division (E) of section 122.04 of the Revised Code. 2481

Sec. 122.071. There is hereby created in the state treasury 2482  
the travel and tourism cooperative projects fund consisting of all 2483  
grants, gifts, and contributions made to the director of 2484  
development for marketing and promotion of travel and tourism 2485  
within this state pursuant to division (F) of section 122.04 and 2486  
section 122.07 of the Revised Code. 2487

Sec. 122.076. There is hereby created in the state treasury 2488

the energy projects fund consisting of nonfederal revenue that is 2489  
remitted to the director of development for the purpose of energy 2490  
projects. Money in the fund shall be used by the department of 2491  
development for energy projects and to pay the costs incurred in 2492  
administering the energy projects. 2493

**Sec. 122.17.** (A) As used in this section: 2494

(1) "Full-time employee" means an individual who is employed 2495  
for consideration for at least an average of thirty-five hours a 2496  
week or who renders any other standard of service generally 2497  
accepted by custom or specified by contract as full-time 2498  
employment, or who is employed for consideration for such time or 2499  
renders such service but is on active duty reserve or Ohio 2500  
national guard service. 2501

(2) "New employee" means one of the following: 2502

(a) A full-time employee first employed by a taxpayer in the 2503  
project that is the subject of the agreement after the taxpayer 2504  
enters into a tax credit agreement with the tax credit authority 2505  
under this section; 2506

(b) A full-time employee first employed by a taxpayer in the 2507  
project that is the subject of the tax credit after the tax credit 2508  
authority approves a project for a tax credit under this section 2509  
in a public meeting, as long as the taxpayer enters into the tax 2510  
credit agreement prepared by the department of development after 2511  
such meeting within sixty days after receiving the agreement from 2512  
the department. If the taxpayer fails to enter into the agreement 2513  
within sixty days, "new employee" has the same meaning as under 2514  
division (A)(2)(a) of this section. A full-time employee may be 2515  
considered a "new employee" of a taxpayer, despite previously 2516  
having been employed by a related member of the taxpayer, if all 2517  
of the following apply: 2518



(i) The related member is a party to the tax credit agreement 2519  
at the time the employee is first employed with the taxpayer; 2520

(ii) The related member will remain subject to the tax 2521  
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 2522  
under Chapter 5751. of the Revised Code for the remainder of the 2523  
term of the tax credit, and the tax credit is taken against 2524  
liability for that same tax through the remainder of the term of 2525  
the tax credit; and 2526

(iii) The employee was considered a new employee of the 2527  
related member prior to employment with the taxpayer. 2528

Under division (A)(2)(a) or (b) of this section, if the tax 2529  
credit authority determines it appropriate, "new employee" also 2530  
may include an employee re-hired or called back from lay-off to 2531  
work in a new facility or on a new product or service established 2532  
or produced by the taxpayer after entering into the agreement 2533  
under this section or after the tax credit authority approves the 2534  
tax credit in a public meeting. Except as otherwise provided in 2535  
this paragraph, "new employee" does not include any employee of 2536  
the taxpayer who was previously employed in this state by a 2537  
related member of the taxpayer and whose employment was shifted to 2538  
the taxpayer after the taxpayer entered into the tax credit 2539  
agreement or after the tax credit authority approved the credit in 2540  
a public meeting, or any employee of the taxpayer for which the 2541  
taxpayer has been granted a certificate under division (B) of 2542  
section 5709.66 of the Revised Code. However, if the taxpayer is 2543  
engaged in the enrichment and commercialization of uranium or 2544  
uranium products or is engaged in research and development 2545  
activities related thereto and if the tax credit authority 2546  
determines it appropriate, "new employee" may include an employee 2547  
of the taxpayer who was previously employed in this state by a 2548  
related member of the taxpayer and whose employment was shifted to 2549  
the taxpayer after the taxpayer entered into the tax credit 2550

agreement or after the tax credit authority approved the credit in 2551  
a public meeting. "New employee" does not include an employee of 2552  
the taxpayer who is employed in an employment position that was 2553  
relocated to a project from other operations of the taxpayer in 2554  
this state or from operations of a related member of the taxpayer 2555  
in this state. In addition, "new employee" does not include a 2556  
child, grandchild, parent, or spouse, other than a spouse who is 2557  
legally separated from the individual, of any individual who is an 2558  
employee of the taxpayer and who has a direct or indirect 2559  
ownership interest of at least five per cent in the profits, 2560  
capital, or value of the taxpayer. Such ownership interest shall 2561  
be determined in accordance with section 1563 of the Internal 2562  
Revenue Code and regulations prescribed thereunder. 2563

(3) "New income tax revenue" means the total amount withheld 2564  
under section 5747.06 of the Revised Code by the taxpayer during 2565  
the taxable year, or during the calendar year that includes the 2566  
tax period, from the compensation of new employees for the tax 2567  
levied under Chapter 5747. of the Revised Code. 2568

(4) "Related member" has the same meaning as under division 2569  
(A)(6) of section 5733.042 of the Revised Code without regard to 2570  
division (B) of that section. 2571

(B) The tax credit authority may make grants under this 2572  
section to foster job creation in this state. Such a grant shall 2573  
take the form of a refundable credit allowed against the tax 2574  
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 2575  
under Chapter 5751. of the Revised Code. The credit shall be 2576  
claimed for the taxable years or tax periods specified in the 2577  
taxpayer's agreement with the tax credit authority under division 2578  
(D) of this section. With respect to taxes imposed under section 2579  
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 2580  
credit shall be claimed in the order required under section 2581  
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 2582

the credit available for a taxable year or for a calendar year 2583  
that includes a tax period equals the new income tax revenue for 2584  
that year multiplied by the percentage specified in the agreement 2585  
with the tax credit authority. Any credit granted under this 2586  
section against the tax imposed by section 5733.06 or 5747.02 of 2587  
the Revised Code, to the extent not fully utilized against such 2588  
tax for taxable years ending prior to 2008, shall automatically be 2589  
converted without any action taken by the tax credit authority to 2590  
a credit against the tax levied under Chapter 5751. of the Revised 2591  
Code for tax periods beginning on or after July 1, 2008, provided 2592  
that the person to whom the credit was granted is subject to such 2593  
tax. The converted credit shall apply to those calendar years in 2594  
which the remaining taxable years specified in the agreement end. 2595

(C) A taxpayer or potential taxpayer who proposes a project 2596  
to create new jobs in this state may apply to the tax credit 2597  
authority to enter into an agreement for a tax credit under this 2598  
section. The director of development shall prescribe the form of 2599  
the application. After receipt of an application, the authority 2600  
may enter into an agreement with the taxpayer for a credit under 2601  
this section if it determines all of the following: 2602

(1) The taxpayer's project will create new jobs in this 2603  
state; 2604

(2) The taxpayer's project is economically sound and will 2605  
benefit the people of this state by increasing opportunities for 2606  
employment and strengthening the economy of this state; 2607

(3) Receiving the tax credit is a major factor in the 2608  
taxpayer's decision to go forward with the project. 2609

(D) An agreement under this section shall include all of the 2610  
following: 2611

(1) A detailed description of the project that is the subject 2612  
of the agreement; 2613

(2) The term of the tax credit, which shall not exceed 2614  
fifteen years, and the first taxable year, or first calendar year 2615  
that includes a tax period, for which the credit may be claimed; 2616

(3) A requirement that the taxpayer shall maintain operations 2617  
at the project location for at least twice the number of years as 2618  
the term of the tax credit; 2619

(4) The percentage, as determined by the tax credit 2620  
authority, of new income tax revenue that will be allowed as the 2621  
amount of the credit for each taxable year or for each calendar 2622  
year that includes a tax period; 2623

(5) A specific method for determining how many new employees 2624  
are employed during a taxable year or during a calendar year that 2625  
includes a tax period; 2626

(6) A requirement that the taxpayer annually shall report to 2627  
the director of development the number of new employees, the new 2628  
income tax revenue withheld in connection with the new employees, 2629  
and any other information the director needs to perform the 2630  
director's duties under this section; 2631

(7) A requirement that the director of development annually 2632  
shall verify the amounts reported under division (D)(6) of this 2633  
section, and after doing so shall issue a certificate to the 2634  
taxpayer stating that the amounts have been verified; 2635

(8)(a) A provision requiring that the taxpayer, except as 2636  
otherwise provided in division (D)(8)(b) of this section, shall 2637  
not relocate employment positions from elsewhere in this state to 2638  
the project site that is the subject of the agreement for the 2639  
lesser of five years from the date the agreement is entered into 2640  
or the number of years the taxpayer is entitled to claim the tax 2641  
credit. 2642

(b) The taxpayer may relocate employment positions from 2643  
elsewhere in this state to the project site that is the subject of 2644

the agreement if the director of development determines both of 2645  
the following: 2646

(i) That the site from which the employment positions would 2647  
be relocated is inadequate to meet market and industry conditions, 2648  
expansion plans, consolidation plans, or other business 2649  
considerations affecting the taxpayer; 2650

(ii) That the legislative authority of the county, township, 2651  
or municipal corporation from which the employment positions would 2652  
be relocated has been notified of the relocation. 2653

For purposes of this section, the movement of an employment 2654  
position from one political subdivision to another political 2655  
subdivision shall be considered a relocation of an employment 2656  
position, but the transfer of an individual employee from one 2657  
political subdivision to another political subdivision shall not 2658  
be considered a relocation of an employment position as long as 2659  
the individual's employment position in the first political 2660  
subdivision is refilled. 2661

(E) If a taxpayer fails to meet or comply with any condition 2662  
or requirement set forth in a tax credit agreement, the tax credit 2663  
authority may amend the agreement to reduce the percentage or term 2664  
of the tax credit. The reduction of the percentage or term shall 2665  
take effect (1) in the taxable year immediately following the 2666  
taxable year in which the authority amends the agreement or the 2667  
director of development notifies the taxpayer in writing of such 2668  
failure, or (2) in the first tax period beginning in the calendar 2669  
year immediately following the calendar year in which the 2670  
authority amends the agreement or the director notifies the 2671  
taxpayer in writing of such failure. If the taxpayer fails to 2672  
annually report any of the information required by division (D)(6) 2673  
of this section within the time required by the director, the 2674  
reduction of the percentage or term may take effect in the current 2675  
taxable year. If the taxpayer relocates employment positions in 2676

violation of the provision required under division (D)(8)(a) of 2677  
this section, the taxpayer shall not claim the tax credit under 2678  
section 5733.0610 of the Revised Code for any tax years following 2679  
the calendar year in which the relocation occurs, or shall not 2680  
claim the tax credit under section 5725.32, 5729.032, or 5747.058 2681  
of the Revised Code for the taxable year in which the relocation 2682  
occurs and any subsequent taxable years, and shall not claim the 2683  
tax credit under division (A) of section 5751.50 of the Revised 2684  
Code for any tax period in the calendar year in which the 2685  
relocation occurs and any subsequent tax periods. 2686

(F) Projects that consist solely of point-of-final-purchase 2687  
retail facilities are not eligible for a tax credit under this 2688  
section. If a project consists of both point-of-final-purchase 2689  
retail facilities and nonretail facilities, only the portion of 2690  
the project consisting of the nonretail facilities is eligible for 2691  
a tax credit and only the new income tax revenue from new 2692  
employees of the nonretail facilities shall be considered when 2693  
computing the amount of the tax credit. If a warehouse facility is 2694  
part of a point-of-final-purchase retail facility and supplies 2695  
only that facility, the warehouse facility is not eligible for a 2696  
tax credit. Catalog distribution centers are not considered 2697  
point-of-final-purchase retail facilities for the purposes of this 2698  
division, and are eligible for tax credits under this section. 2699

(G) Financial statements and other information submitted to 2700  
the department of development or the tax credit authority by an 2701  
applicant or recipient of a tax credit under this section, and any 2702  
information taken for any purpose from such statements or 2703  
information, are not public records subject to section 149.43 of 2704  
the Revised Code. However, the chairperson of the authority may 2705  
make use of the statements and other information for purposes of 2706  
issuing public reports or in connection with court proceedings 2707  
concerning tax credit agreements under this section. Upon the 2708

request of the tax commissioner or, if the applicant or recipient 2709  
is an insurance company, upon the request of the superintendent of 2710  
insurance, the chairperson of the authority shall provide to the 2711  
commissioner or superintendent any statement or information 2712  
submitted by an applicant or recipient of a tax credit in 2713  
connection with the credit. The commissioner or superintendent 2714  
shall preserve the confidentiality of the statement or 2715  
information. 2716

(H) A taxpayer claiming a credit under this section shall 2717  
submit to the tax commissioner or, if the taxpayer is an insurance 2718  
company, to the superintendent of insurance, a copy of the 2719  
director of development's certificate of verification under 2720  
division (D)(7) of this section with the taxpayer's tax report or 2721  
return for the taxable year or for the calendar year that includes 2722  
the tax period. Failure to submit a copy of the certificate with 2723  
the report or return does not invalidate a claim for a credit if 2724  
the taxpayer submits a copy of the certificate to the commissioner 2725  
or superintendent within sixty days after the commissioner or 2726  
superintendent requests it. 2727

(I) The director of development, after consultation with the 2728  
tax commissioner and the superintendent of insurance and in 2729  
accordance with Chapter 119. of the Revised Code, shall adopt 2730  
rules necessary to implement this section. The rules may provide 2731  
for recipients of tax credits under this section to be charged 2732  
fees to cover administrative costs of the tax credit program. The 2733  
fees collected shall be credited to the tax incentive programs 2734  
operating fund created in section 122.174 of the Revised Code. At 2735  
the time the director gives public notice under division (A) of 2736  
section 119.03 of the Revised Code of the adoption of the rules, 2737  
the director shall submit copies of the proposed rules to the 2738  
chairpersons of the standing committees on economic development in 2739  
the senate and the house of representatives. 2740

(J) For the purposes of this section, a taxpayer may include a partnership, a corporation that has made an election under subchapter S of chapter one of subtitle A of the Internal Revenue Code, or any other business entity through which income flows as a distributive share to its owners. A ~~credit received under this section by a~~ partnership, S-corporation, or other such business entity ~~shall be apportioned among~~ may elect to pass the credit received under this section through to the persons to whom the income or profit of the partnership, S-corporation, or other entity is distributed<sup>7</sup>. The election shall be made on the annual report required under division (D)(6) of this section. The election applies to and is irrevocable for the credit for which the report is submitted. If the election is made, the credit shall be apportioned among those persons in the same proportions as those in which the income or profit is distributed.

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

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

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



(3) If the taxpayer maintained operations at the project 2773  
location for less than the number of years of the term of the tax 2774  
credit, an amount not exceeding one hundred per cent of the sum of 2775  
any previously allowed credits under this section. 2776

In determining the portion of the tax credit to be refunded 2777  
to this state, the tax credit authority shall consider the effect 2778  
of market conditions on the taxpayer's project and whether the 2779  
taxpayer continues to maintain other operations in this state. 2780  
After making the determination, the authority shall certify the 2781  
amount to be refunded to the tax commissioner or superintendent of 2782  
insurance, as appropriate. If the amount is certified to the 2783  
commissioner, the commissioner shall make an assessment for that 2784  
amount against the taxpayer under Chapter 5733., 5747., or 5751. 2785  
of the Revised Code. If the amount is certified to the 2786  
superintendent, the superintendent shall make an assessment for 2787  
that amount against the taxpayer under Chapter 5725. or 5729. of 2788  
the Revised Code. The time limitations on assessments under those 2789  
chapters do not apply to an assessment under this division, but 2790  
the commissioner or superintendent, as appropriate, shall make the 2791  
assessment within one year after the date the authority certifies 2792  
to the commissioner or superintendent the amount to be refunded. 2793

(L) On or before the thirty-first day of March each year, the 2794  
director of development shall submit a report to the governor, the 2795  
president of the senate, and the speaker of the house of 2796  
representatives on the tax credit program under this section. The 2797  
report shall include information on the number of agreements that 2798  
were entered into under this section during the preceding calendar 2799  
year, a description of the project that is the subject of each 2800  
such agreement, and an update on the status of projects under 2801  
agreements entered into before the preceding calendar year. 2802

(M) There is hereby created the tax credit authority, which 2803  
consists of the director of development and four other members 2804

appointed as follows: the governor, the president of the senate, 2805  
and the speaker of the house of representatives each shall appoint 2806  
one member who shall be a specialist in economic development; the 2807  
governor also shall appoint a member who is a specialist in 2808  
taxation. Of the initial appointees, the members appointed by the 2809  
governor shall serve a term of two years; the members appointed by 2810  
the president of the senate and the speaker of the house of 2811  
representatives shall serve a term of four years. Thereafter, 2812  
terms of office shall be for four years. Initial appointments to 2813  
the authority shall be made within thirty days after January 13, 2814  
1993. Each member shall serve on the authority until the end of 2815  
the term for which the member was appointed. Vacancies shall be 2816  
filled in the same manner provided for original appointments. Any 2817  
member appointed to fill a vacancy occurring prior to the 2818  
expiration of the term for which the member's predecessor was 2819  
appointed shall hold office for the remainder of that term. 2820  
Members may be reappointed to the authority. Members of the 2821  
authority shall receive their necessary and actual expenses while 2822  
engaged in the business of the authority. The director of 2823  
development shall serve as chairperson of the authority, and the 2824  
members annually shall elect a vice-chairperson from among 2825  
themselves. Three members of the authority constitute a quorum to 2826  
transact and vote on the business of the authority. The majority 2827  
vote of the membership of the authority is necessary to approve 2828  
any such business, including the election of the vice-chairperson. 2829

The director of development may appoint a professional 2830  
employee of the department of development to serve as the 2831  
director's substitute at a meeting of the authority. The director 2832  
shall make the appointment in writing. In the absence of the 2833  
director from a meeting of the authority, the appointed substitute 2834  
shall serve as chairperson. In the absence of both the director 2835  
and the director's substitute from a meeting, the vice-chairperson 2836  
shall serve as chairperson. 2837

(N) For purposes of the credits granted by this section 2838  
against the taxes imposed under sections 5725.18 and 5729.03 of 2839  
the Revised Code, "taxable year" means the period covered by the 2840  
taxpayer's annual statement to the superintendent of insurance. 2841

**Sec. 122.171.** (A) As used in this section: 2842

(1) "Capital investment project" means a plan of investment 2843  
at a project site for the acquisition, construction, renovation, 2844  
or repair of buildings, machinery, or equipment, or for 2845  
capitalized costs of basic research and new product development 2846  
determined in accordance with generally accepted accounting 2847  
principles, but does not include any of the following: 2848

(a) Payments made for the acquisition of personal property 2849  
through operating leases; 2850

(b) Project costs paid before January 1, 2002; 2851

(c) Payments made to a related member as defined in section 2852  
5733.042 of the Revised Code or to an elected consolidated 2853  
taxpayer or a combined taxpayer as defined in section 5751.01 of 2854  
the Revised Code. 2855

(2) "Eligible business" means a business with Ohio operations 2856  
satisfying all of the following: 2857

(a) Employed an average of at least one thousand employees in 2858  
full-time employment positions at a project site during each of 2859  
the twelve months preceding the application for a tax credit under 2860  
this section; and 2861

(b) On or after January 1, 2002, has made payments for the 2862  
capital investment project of either of the following: 2863

(i) At least two hundred million dollars in the aggregate at 2864  
the project site during a period of three consecutive calendar 2865  
years including the calendar year that includes a day of the 2866  
taxpayer's taxable year or tax period with respect to which the 2867

credit is granted; 2868

(ii) If the average wage of all full-time employment 2869  
positions at the project site is greater than four hundred per 2870  
cent of the federal minimum wage, at least one hundred million 2871  
dollars in the aggregate at the project site during a period of 2872  
three consecutive calendar years including the calendar year that 2873  
includes a day of the taxpayer's taxable year or tax period with 2874  
respect to which the credit is granted. 2875

(c) Is engaged at the project site primarily as a 2876  
manufacturer or is providing significant corporate administrative 2877  
functions; 2878

(d) Has had a capital investment project reviewed and 2879  
approved by the tax credit authority as provided in divisions (C), 2880  
(D), and (E) of this section. 2881

(3) "Full-time employment position" means a position of 2882  
employment for consideration for at least an average of 2883  
thirty-five hours a week that has been filled for at least one 2884  
hundred eighty days immediately preceding the filing of an 2885  
application under this section and for at least one hundred eighty 2886  
days during each taxable year or each calendar year that includes 2887  
a tax period with respect to which the credit is granted, or is 2888  
employed in such position for consideration for such time, but is 2889  
on active duty reserve or Ohio national guard service. 2890

(4) "Manufacturer" has the same meaning as in section 2891  
5739.011 of the Revised Code. 2892

(5) "Project site" means an integrated complex of facilities 2893  
in this state, as specified by the tax credit authority under this 2894  
section, within a fifteen-mile radius where a taxpayer is 2895  
primarily operating as an eligible business. 2896

(6) "Applicable corporation" means a corporation satisfying 2897  
all of the following: 2898

(a)(i) For the entire taxable year immediately preceding the 2899  
tax year, the corporation develops software applications primarily 2900  
to provide telecommunication billing and information services 2901  
through outsourcing or licensing to domestic or international 2902  
customers. 2903

(ii) Sales and licensing of software generated at least six 2904  
hundred million dollars in revenue during the taxable year 2905  
immediately preceding the tax year the corporation is first 2906  
entitled to claim the credit provided under division (B) of this 2907  
section. 2908

(b) For the entire taxable year immediately preceding the tax 2909  
year, the corporation or one or more of its related members 2910  
provides customer or employee care and technical support for 2911  
clients through one or more contact centers within this state, and 2912  
the corporation and its related members together have a daily 2913  
average, based on a three-hundred-sixty-five-day year, of at least 2914  
five hundred thousand successful customer contacts through one or 2915  
more of their contact centers, wherever located. 2916

(c) The corporation is eligible for the credit under division 2917  
(B) of this section for the tax year. 2918

(7) "Related member" has the same meaning as in section 2919  
5733.042 of the Revised Code as that section existed on the 2920  
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 2921  
general assembly, September 29, 1997. 2922

(8) "Successful customer contact" means a contact with an end 2923  
user via telephone, including interactive voice recognition or 2924  
similar means, where the contact culminates in a conversation or 2925  
connection other than a busy signal or equipment busy. 2926

(9) "Telecommunications" means all forms of 2927  
telecommunications service as defined in section 5739.01 of the 2928  
Revised Code, and includes services in wireless, wireline, cable, 2929

broadband, internet protocol, and satellite. 2930

(10)(a) "Applicable difference" means the difference between 2931  
the tax for the tax year under Chapter 5733. of the Revised Code 2932  
applying the law in effect for that tax year, and the tax for that 2933  
tax year if section 5733.042 of the Revised Code applied as that 2934  
section existed on the effective date of its amendment by Am. Sub. 2935  
H.B. 215 of the 122nd general assembly, September 29, 1997, 2936  
subject to division (A)(10)(b) of this section. 2937

(b) If the tax rate set forth in division (B) of section 2938  
5733.06 of the Revised Code for the tax year is less than eight 2939  
and one-half per cent, the tax calculated under division 2940  
(A)(10)(a) of this section shall be computed by substituting a tax 2941  
rate of eight and one-half per cent for the rate set forth in 2942  
division (B) of section 5733.06 of the Revised Code for the tax 2943  
year. 2944

(c) If the resulting difference is negative, the applicable 2945  
tax difference for the tax year shall be zero. 2946

(B) The tax credit authority created under section 122.17 of 2947  
the Revised Code may grant tax credits under this section for the 2948  
purpose of fostering job retention in this state. Upon application 2949  
by an eligible business and upon consideration of the 2950  
recommendation of the director of budget and management, tax 2951  
commissioner, and director of development under division (C) of 2952  
this section, the tax credit authority may grant to an eligible 2953  
business a nonrefundable credit against the tax imposed by section 2954  
5733.06 or 5747.02 of the Revised Code for a period up to fifteen 2955  
taxable years and against the tax levied by Chapter 5751. of the 2956  
Revised Code for a period of up to fifteen calendar years. The 2957  
credit shall be in an amount not exceeding seventy-five per cent 2958  
of the Ohio income tax withheld from the employees of the eligible 2959  
business occupying full-time employment positions at the project 2960  
site during the calendar year that includes the last day of such 2961

business' taxable year or tax period with respect to which the 2962  
credit is granted. The amount of the credit shall not be based on 2963  
the Ohio income tax withheld from full-time employees for a 2964  
calendar year prior to the calendar year in which the minimum 2965  
investment requirement referred to in division (A)(2)(b) of this 2966  
section is completed. The credit shall be claimed only for the 2967  
taxable years or tax periods specified in the eligible business' 2968  
agreement with the tax credit authority under division (E) of this 2969  
section, but in no event shall the credit be claimed for a taxable 2970  
year or tax period terminating before the date specified in the 2971  
agreement. Any credit granted under this section against the tax 2972  
imposed by section 5733.06 or 5747.02 of the Revised Code, to the 2973  
extent not fully utilized against such tax for taxable years 2974  
ending prior to 2008, shall automatically be converted without any 2975  
action taken by the tax credit authority to a credit against the 2976  
tax levied under Chapter 5751. of the Revised Code for tax periods 2977  
beginning on or after July 1, 2008, provided that the person to 2978  
whom the credit was granted is subject to such tax. The converted 2979  
credit shall apply to those calendar years in which the remaining 2980  
taxable years specified in the agreement end. 2981

The credit computed under this division is in addition to any 2982  
credit allowed under division (M) of this section which the tax 2983  
credit authority may also include in the agreement. 2984

Any unused portion of a tax credit may be carried forward for 2985  
not more than three additional years after the year for which the 2986  
credit is granted. 2987

(C) A taxpayer that proposes a capital investment project to 2988  
retain jobs in this state may apply to the tax credit authority to 2989  
enter into an agreement for a tax credit under this section. The 2990  
director of development shall prescribe the form of the 2991  
application. After receipt of an application, the authority shall 2992  
forward copies of the application to the director of budget and 2993

management, the tax commissioner, and the director of development, 2994  
each of whom shall review the application to determine the 2995  
economic impact the proposed project would have on the state and 2996  
the affected political subdivisions and shall submit a summary of 2997  
their determinations and recommendations to the authority. 2998

(D) Upon review of the determinations and recommendations 2999  
described in division (C) of this section, the tax credit 3000  
authority may enter into an agreement with the taxpayer for a 3001  
credit under this section if the authority determines all of the 3002  
following: 3003

(1) The taxpayer's capital investment project will result in 3004  
the retention of full-time employment positions in this state. 3005

(2) The taxpayer is economically sound and has the ability to 3006  
complete the proposed capital investment project. 3007

(3) The taxpayer intends to and has the ability to maintain 3008  
operations at the project site for at least twice the term of the 3009  
credit. 3010

(4) Receiving the credit is a major factor in the taxpayer's 3011  
decision to begin, continue with, or complete the project. 3012

(5) The political subdivisions in which the project is 3013  
located have agreed to provide substantial financial support to 3014  
the project. 3015

(E) An agreement under this section shall include all of the 3016  
following: 3017

(1) A detailed description of the project that is the subject 3018  
of the agreement, including the amount of the investment, the 3019  
period over which the investment has been or is being made, and 3020  
the number of full-time employment positions at the project site. 3021

(2) The method of calculating the number of full-time 3022  
employment positions as specified in division (A)(3) of this 3023



section. 3024

(3) The term and percentage of the tax credit, and the first 3025  
year for which the credit may be claimed. 3026

(4) A requirement that the taxpayer maintain operations at 3027  
the project site for at least twice the number of years as the 3028  
term of the credit. 3029

(5) A requirement that the taxpayer retain a specified number 3030  
of full-time employment positions at the project site and within 3031  
this state for the term of the credit, including a requirement 3032  
that the taxpayer continue to employ at least one thousand 3033  
employees in full-time employment positions at the project site 3034  
during the entire term of any agreement, subject to division 3035  
(E)(7) of this section. 3036

(6) A requirement that the taxpayer annually report to the 3037  
director of development the number of full-time employment 3038  
positions subject to the credit, the amount of tax withheld from 3039  
employees in those positions, the amount of the payments made for 3040  
the capital investment project, and any other information the 3041  
director needs to perform the director's duties under this 3042  
section. 3043

(7) A requirement that the director of development annually 3044  
review the annual reports of the taxpayer to verify the 3045  
information reported under division (E)(6) of this section and 3046  
compliance with the agreement. Upon verification, the director 3047  
shall issue a certificate to the taxpayer stating that the 3048  
information has been verified and identifying the amount of the 3049  
credit for the taxable year. Unless otherwise specified by the tax 3050  
credit authority in a resolution and included as part of the 3051  
agreement, the director shall not issue a certificate for any year 3052  
in which the total number of filled full-time employment positions 3053  
for each day of the calendar year divided by three hundred 3054

sixty-five is less than ninety per cent of the full-time 3055  
employment positions specified in division (E)(5) of this section. 3056  
In determining the number of full-time employment positions, no 3057  
position shall be counted that is filled by an employee who is 3058  
included in the calculation of a tax credit under section 122.17 3059  
of the Revised Code. 3060

(8)(a) A provision requiring that the taxpayer, except as 3061  
otherwise provided in division (E)(8)(b) of this section, shall 3062  
not relocate employment positions from elsewhere in this state to 3063  
the project site that is the subject of the agreement for the 3064  
lesser of five years from the date the agreement is entered into 3065  
or the number of years the taxpayer is entitled to claim the 3066  
credit. 3067

(b) The taxpayer may relocate employment positions from 3068  
elsewhere in this state to the project site that is the subject of 3069  
the agreement if the director of development determines both of 3070  
the following: 3071

(i) That the site from which the employment positions would 3072  
be relocated is inadequate to meet market and industry conditions, 3073  
expansion plans, consolidation plans, or other business 3074  
considerations affecting the taxpayer; 3075

(ii) That the legislative authority of the county, township, 3076  
or municipal corporation from which the employment positions would 3077  
be relocated has been notified of the relocation. 3078

For purposes of this section, the movement of an employment 3079  
position from one political subdivision to another political 3080  
subdivision shall be considered a relocation of an employment 3081  
position unless the movement is confined to the project site. The 3082  
transfer of an individual employee from one political subdivision 3083  
to another political subdivision shall not be considered a 3084  
relocation of an employment position as long as the individual's 3085

employment position in the first political subdivision is 3086  
refilled. 3087

(9) A waiver by the taxpayer of any limitations periods 3088  
relating to assessments or adjustments resulting from the 3089  
taxpayer's failure to comply with the agreement. 3090

(F) If a taxpayer fails to meet or comply with any condition 3091  
or requirement set forth in a tax credit agreement, the tax credit 3092  
authority may amend the agreement to reduce the percentage or term 3093  
of the credit. The reduction of the percentage or term shall take 3094  
effect (1) in the taxable year immediately following the taxable 3095  
year in which the authority amends the agreement or the director 3096  
of development notifies the taxpayer in writing of such failure, 3097  
or (2) in the first tax period beginning in the calendar year 3098  
immediately following the calendar year in which the authority 3099  
amends the agreement or the director notifies the taxpayer in 3100  
writing of such failure. If the taxpayer fails to annually report 3101  
any of the information required by division (E)(6) of this section 3102  
within the time required by the director, the reduction of the 3103  
percentage or term may take effect in the current taxable year. If 3104  
the taxpayer relocates employment positions in violation of the 3105  
provision required under division (D)(8)(a) of this section, the 3106  
taxpayer shall not claim the tax credit under section 5733.0610 of 3107  
the Revised Code for any tax years following the calendar year in 3108  
which the relocation occurs, shall not claim the tax credit under 3109  
section 5747.058 of the Revised Code for the taxable year in which 3110  
the relocation occurs and any subsequent taxable years, and shall 3111  
not claim the tax credit under division (A) of section 5751.50 of 3112  
the Revised Code for the tax period in which the relocation occurs 3113  
and any subsequent tax periods. 3114

(G) Financial statements and other information submitted to 3115  
the department of development or the tax credit authority by an 3116  
applicant for or recipient of a tax credit under this section, and 3117

any information taken for any purpose from such statements or 3118  
information, are not public records subject to section 149.43 of 3119  
the Revised Code. However, the chairperson of the authority may 3120  
make use of the statements and other information for purposes of 3121  
issuing public reports or in connection with court proceedings 3122  
concerning tax credit agreements under this section. Upon the 3123  
request of the tax commissioner, the chairperson of the authority 3124  
shall provide to the commissioner any statement or other 3125  
information submitted by an applicant for or recipient of a tax 3126  
credit in connection with the credit. The commissioner shall 3127  
preserve the confidentiality of the statement or other 3128  
information. 3129

(H) A taxpayer claiming a tax credit under this section shall 3130  
submit to the tax commissioner a copy of the director of 3131  
development's certificate of verification under division (E)(7) of 3132  
this section with the taxpayer's tax report or return for the 3133  
taxable year or for the calendar year that includes the tax 3134  
period. Failure to submit a copy of the certificate with the 3135  
report or return does not invalidate a claim for a credit if the 3136  
taxpayer submits a copy of the certificate to the commissioner 3137  
within sixty days after the commissioner requests it. 3138

(I) For the purposes of this section, a taxpayer may include 3139  
a partnership, a corporation that has made an election under 3140  
subchapter S of chapter one of subtitle A of the Internal Revenue 3141  
Code, or any other business entity through which income flows as a 3142  
distributive share to its owners. ~~A tax credit received under this~~ 3143  
~~section by a partnership, S-corporation, or other such business~~ 3144  
~~entity shall be apportioned among~~ may elect to pass the credit 3145  
received under this section through to the persons to whom the 3146  
income or profit of the partnership, S-corporation, or other 3147  
entity is distributed<sup>7</sup>. The election shall be made on the annual 3148  
report required under division (E)(6) of this section. The 3149

election applies to and is irrevocable for the credit for which 3150  
the report is submitted. If the election is made, the credit shall 3151  
be apportioned among those persons in the same proportions as 3152  
those in which the income or profit is distributed. 3153

(J) If the director of development determines that a taxpayer 3154  
that received a tax credit under this section is not complying 3155  
with the requirement under division (E)(4) of this section, the 3156  
director shall notify the tax credit authority of the 3157  
noncompliance. After receiving such a notice, and after giving the 3158  
taxpayer an opportunity to explain the noncompliance, the 3159  
authority may terminate the agreement and require the taxpayer to 3160  
refund to the state all or a portion of the credit claimed in 3161  
previous years, as follows: 3162

(1) If the taxpayer maintained operations at the project site 3163  
for less than the term of the credit, the amount required to be 3164  
refunded shall not exceed the amount of any tax credits previously 3165  
allowed and received under this section. 3166

(2) If the taxpayer maintained operations at the project site 3167  
longer than the term of the credit but less than one and one-half 3168  
times the term of the credit, the amount required to be refunded 3169  
shall not exceed fifty per cent of the sum of any tax credits 3170  
previously allowed and received under this section. 3171

(3) If the taxpayer maintained operations at the project site 3172  
for at least one and one-half times the term of the credit but 3173  
less than twice the term of the credit, the amount required to be 3174  
refunded shall not exceed twenty-five per cent of the sum of any 3175  
tax credits previously allowed and received under this section. 3176

In determining the portion of the credit to be refunded to 3177  
this state, the authority shall consider the effect of market 3178  
conditions on the taxpayer's project and whether the taxpayer 3179  
continues to maintain other operations in this state. After making 3180

the determination, the authority shall certify the amount to be 3181  
refunded to the tax commissioner. The commissioner shall make an 3182  
assessment for that amount against the taxpayer under Chapter 3183  
5733., 5747., or 5751. of the Revised Code. The time limitations 3184  
on assessments under those chapters do not apply to an assessment 3185  
under this division, but the commissioner shall make the 3186  
assessment within one year after the date the authority certifies 3187  
to the commissioner the amount to be refunded. 3188

If the director of development determines that a taxpayer 3189  
that received a tax credit under this section has reduced the 3190  
number of employees agreed to under division (E)(5) of this 3191  
section by more than ten per cent, the director shall notify the 3192  
tax credit authority of the noncompliance. After receiving such 3193  
notice, and after providing the taxpayer an opportunity to explain 3194  
the noncompliance, the authority may amend the agreement to reduce 3195  
the percentage or term of the tax credit. The reduction in the 3196  
percentage or term shall take effect in the taxable year, or in 3197  
the calendar year that includes the tax period, in which the 3198  
authority amends the agreement. 3199

(K) The director of development, after consultation with the 3200  
tax commissioner and in accordance with Chapter 119. of the 3201  
Revised Code, shall adopt rules necessary to implement this 3202  
section. The rules may provide for recipients of tax credits under 3203  
this section to be charged fees to cover administrative costs of 3204  
the tax credit program. The fees collected shall be credited to 3205  
the tax incentive programs operating fund created in section 3206  
122.174 of the Revised Code. At the time the director gives public 3207  
notice under division (A) of section 119.03 of the Revised Code of 3208  
the adoption of the rules, the director shall submit copies of the 3209  
proposed rules to the chairpersons of the standing committees on 3210  
economic development in the senate and the house of 3211  
representatives. 3212

(L) On or before the thirty-first day of March of each year, 3213  
the director of development shall submit a report to the governor, 3214  
the president of the senate, and the speaker of the house of 3215  
representatives on the tax credit program under this section. The 3216  
report shall include information on the number of agreements that 3217  
were entered into under this section during the preceding calendar 3218  
year, a description of the project that is the subject of each 3219  
such agreement, and an update on the status of projects under 3220  
agreements entered into before the preceding calendar year. 3221

(M)(1) A nonrefundable credit shall be allowed to an 3222  
applicable corporation and its related members in an amount equal 3223  
to the applicable difference. The credit is in addition to the 3224  
credit granted to the corporation or related members under 3225  
division (B) of this section. The credit is subject to divisions 3226  
(B) to (E) and division (J) of this section. 3227

(2) A person qualifying as an applicable corporation under 3228  
this section for a tax year does not necessarily qualify as an 3229  
applicable corporation for any other tax year. No person is 3230  
entitled to the credit allowed under division (M) of this section 3231  
for the tax year immediately following the taxable year during 3232  
which the person fails to meet the requirements in divisions 3233  
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 3234  
to the credit allowed under division (M) of this section for any 3235  
tax year for which the person is not eligible for the credit 3236  
provided under division (B) of this section. 3237

Sec. 122.174. There is hereby created in the state treasury 3238  
the tax incentive programs operating fund. Money collected 3239  
pursuant to division (I) of section 121.17, division (K) of 3240  
section 122.171, division (C) of section 3735.672, and division 3241  
(C) of section 5709.68 of the Revised Code shall be credited to 3242  
the fund. The director of development shall use money in the fund 3243

to pay expenses related to the administration of the tax credit 3244  
programs authorized by sections 122.17, 122.171, 3735.672, and 3245  
5709.68 of the Revised Code. 3246

**Sec. 122.602.** (A) There is hereby created in the department 3247  
of development the capital access loan program to assist 3248  
participating financial institutions in making program loans to 3249  
eligible businesses that face barriers in accessing working 3250  
capital and obtaining fixed asset financing. In administering the 3251  
program, the director of development may do any of the following: 3252

(1) Receive and accept grants, gifts, and contributions of 3253  
money, property, labor, and other things of value to be held, 3254  
used, and applied only for the purpose for which the grants, 3255  
gifts, and contributions are made, from individuals, private and 3256  
public corporations, the United States or any agency of the United 3257  
States, the state or any agency of the state, or any political 3258  
subdivision of the state; 3259

(2) Agree to repay any contribution of money or return any 3260  
property contributed or the value of that property at the times, 3261  
in the amounts, and on the terms and conditions, excluding the 3262  
payment of interest, that the director consents to at the time a 3263  
contribution is made; and evidence obligations by notes, bonds, or 3264  
other written instruments; 3265

(3) Adopt rules under Chapter 119. of the Revised Code to 3266  
carry out the purposes of the program specified in sections 122.60 3267  
to 122.605 of the Revised Code; 3268

(4) Engage in all other acts, and enter into contracts and 3269  
execute all instruments, necessary or appropriate to carry out the 3270  
purposes specified in sections 122.60 to 122.605 of the Revised 3271  
Code. 3272

(B) The director shall determine the eligibility of a 3273



financial institution to participate in the program and may set a 3274  
limit on the number of financial institutions that may participate 3275  
in the program. 3276

(C) To be considered eligible by the director to participate 3277  
in the program, a financial institution shall enter into a 3278  
participation agreement with the department that sets out the 3279  
terms and conditions under which the department will deposit 3280  
moneys from the fund into the financial institution's program 3281  
reserve account, specifies the criteria for loan qualification 3282  
under the program, and contains any additional terms the director 3283  
considers necessary. 3284

(D) After receiving the certification required under division 3285  
(C) of section 122.603 of the Revised Code, the director may 3286  
disburse moneys from the fund to a participating financial 3287  
institution for deposit in its program reserve account if the 3288  
director determines that the capital access loan involved meets 3289  
all of the following criteria: 3290

(1) It will be made to an eligible business. 3291

(2) It will be used by the eligible business for a project, 3292  
activity, or enterprise that fosters economic development. 3293

(3) It will not be made in order to enroll in the program 3294  
prior debt that is not covered under the program and that is owed 3295  
or was previously owed by an eligible business to the financial 3296  
institution. 3297

(4) It will not be utilized for a project or development 3298  
related to the on-site construction or purchase of residential 3299  
housing. 3300

(5) It will not be used to finance passive real estate 3301  
ownership. 3302

(6) It conforms to the requirements of divisions (E), (F), 3303

(G), (H), and (I) of this section, and to the rules adopted by the 3304  
director under division (A)(3) of this section. 3305

(E) The director shall not approve a capital access loan to 3306  
an eligible business that exceeds two hundred fifty thousand 3307  
dollars for working capital or five hundred thousand dollars for 3308  
the purchase of fixed assets. An eligible business may apply for 3309  
the maximum amount of both working capital and the purchase of 3310  
fixed assets in the same capital access loan. 3311

(F) A financial institution may apply to the director for the 3312  
approval of a capital access loan to any business that is owned or 3313  
operated by a person that has previously defaulted under any state 3314  
financial assistance program. 3315

(G) Eligible businesses that apply for a capital access loan 3316  
shall comply with section 9.66 of the Revised Code. 3317

(H) A financial institution may apply to the director for the 3318  
approval of a capital access loan that refinances a nonprogram 3319  
loan made by another financial institution. 3320

(I) The director shall not approve a capital access loan that 3321  
refinances a nonprogram loan made by the same financial 3322  
institution, unless the amount of the refinanced loan exceeds the 3323  
existing debt, in which case only the amount exceeding the 3324  
existing debt is eligible for a loan under the program. 3325

~~(J) The director shall not approve any capital access loan 3326  
made after June 30, 2007, or enter into a participation agreement 3327  
with any financial institution after that date. 3328~~

**Sec. 124.152.** (A)(1) Except as provided in divisions (A)(2) 3329  
and (3) of this section, each exempt employee shall be paid a 3330  
salary or wage in accordance with schedule E-1 or schedule E-2 of 3331  
division (B), (C), or (D) of this section, as applicable. 3332

(2) Each exempt employee who holds a position in the 3333

unclassified civil service pursuant to division (A)(26) or (30) of 3334  
section 124.11 of the Revised Code may be paid a salary or wage in 3335  
accordance with schedule E-1, schedule E-1 for step seven only, or 3336  
schedule E-2 of division (B) ~~or, (C), (D), (E), (F), or (G)~~ of 3337  
this section, as applicable. 3338

(3)(a) Except as provided in division (A)(3)(b) of this 3339  
section, each exempt employee who was paid a salary or wage at 3340  
step 7 in the employee's pay range on June 28, 2003, in accordance 3341  
with the applicable schedule E-1 of former section 124.152 of the 3342  
Revised Code and who continued to be so paid on June 29, 2003, 3343  
shall be paid a salary or wage in the corresponding pay range in 3344  
schedule E-1 for step seven only of division ~~(C)(E), (F), or (G)~~ 3345  
of this section, as applicable, for as long as the employee 3346  
remains in the position the employee held as of July 1, 2003. 3347

(b) Except as provided in division (A)(3)(c) of this section, 3348  
if an exempt employee who is being paid a salary or wage in 3349  
accordance with schedule E-1 for step seven only of division 3350  
~~(C)(E), (F), or (G)~~ of this section, as applicable, moves to 3351  
another position, the employee shall not receive a salary or wage 3352  
for that position or any other position in the future in 3353  
accordance with that schedule. 3354

(c) If an exempt employee who is being paid a salary or wage 3355  
in accordance with schedule E-1 for step seven only of division 3356  
~~(C)(E), (F), or (G)~~ of this section, as applicable, moves to 3357  
another position assigned to pay range 12 or above, the appointing 3358  
authority ~~has the discretion to~~ may assign the employee to be paid 3359  
a salary or wage in the appropriate pay range for that position in 3360  
accordance with the applicable schedule E-1 for step seven only, 3361  
provided that the appointing authority so notifies the director of 3362  
administrative services in writing at the time the employee is 3363  
appointed to that position. 3364

(B) Beginning on the first day of the pay period that 3365

includes July 1, 2006, each exempt employee who must be paid in 3366  
 accordance with schedule E-1 or schedule E-2 of this section shall 3367  
 be paid a salary or wage in accordance with the following schedule 3368  
 of rates: 3369

Schedule E-1 3370

Pay Ranges and Step Values 3371

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	9.40	9.82	10.24	10.68			3374
	Annually	19552	20426	21299	22214			3375
2	Hourly	11.40	11.88	12.40	12.94			3376
	Annually	23712	24710	25792	26915			3377
3	Hourly	11.94	12.48	13.03	13.60			3378
	Annually	24835	25958	27102	28288			3379
4	Hourly	12.54	13.10	13.72	14.34			3380
	Annually	26083	27248	28538	29827			3381
5	Hourly	13.15	13.75	14.34	14.97			3382
	Annually	27352	28600	29827	31138			3383
6	Hourly	13.86	14.43	15.07	15.69			3384
	Annually	28829	30014	31346	32635			3385
7	Hourly	14.72	15.27	15.88	16.44	17.08		3386
	Annually	30618	31762	33030	34195	35526		3387
8	Hourly	15.56	16.24	16.95	17.71	18.46		3388
	Annually	32365	33779	35256	36837	38397		3389
9	Hourly	16.60	17.46	18.32	19.23	20.21		3390
	Annually	34528	36317	38106	39998	42037		3391
10	Hourly	17.91	18.89	19.90	21.05	22.18		3392
	Annually	37253	39291	41392	43784	46134		3393
11	Hourly	19.50	20.64	21.84	23.06	24.38		3394
	Annually	40560	42931	45427	47965	50710		3395
12	Hourly	21.51	22.72	23.94	25.27	26.68	28.13	3396
	Annually	44741	47258	49795	52562	55494	58510	3397



includes July 1, 2007, each exempt employee who must be paid in 3431  
accordance with schedule E-1 or schedule E-2 of this section shall 3432  
be paid a salary or wage in accordance with the following schedule 3433  
of rates: 3434

		<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>			3437
	<u>Annually</u>	<u>20238</u>	<u>21133</u>	<u>22048</u>	<u>22984</u>			3438
<u>2</u>	<u>Hourly</u>	<u>11.80</u>	<u>12.30</u>	<u>12.83</u>	<u>13.39</u>			3439
	<u>Annually</u>	<u>24544</u>	<u>25584</u>	<u>26686</u>	<u>27851</u>			3440
<u>3</u>	<u>Hourly</u>	<u>12.36</u>	<u>12.92</u>	<u>13.49</u>	<u>14.08</u>			3441
	<u>Annually</u>	<u>25709</u>	<u>26874</u>	<u>28059</u>	<u>29286</u>			3442
<u>4</u>	<u>Hourly</u>	<u>12.98</u>	<u>13.56</u>	<u>14.20</u>	<u>14.84</u>			3443
	<u>Annually</u>	<u>26998</u>	<u>28205</u>	<u>29536</u>	<u>30867</u>			3444
<u>5</u>	<u>Hourly</u>	<u>13.61</u>	<u>14.23</u>	<u>14.84</u>	<u>15.49</u>			3445
	<u>Annually</u>	<u>28309</u>	<u>29598</u>	<u>30867</u>	<u>32219</u>			3446
<u>6</u>	<u>Hourly</u>	<u>14.35</u>	<u>14.94</u>	<u>15.60</u>	<u>16.24</u>			3447
	<u>Annually</u>	<u>29848</u>	<u>31075</u>	<u>32448</u>	<u>33779</u>			3448
<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>		3449
	<u>Annually</u>	<u>31699</u>	<u>32864</u>	<u>34195</u>	<u>35402</u>	<u>36774</u>		3450
<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>		3451
	<u>Annually</u>	<u>33488</u>	<u>34965</u>	<u>36483</u>	<u>38126</u>	<u>39749</u>		3452
<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>		3453
	<u>Annually</u>	<u>35734</u>	<u>37586</u>	<u>39437</u>	<u>41392</u>	<u>43514</u>		3454
<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>		3455
	<u>Annually</u>	<u>38563</u>	<u>40664</u>	<u>42848</u>	<u>45323</u>	<u>47757</u>		3456
<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>		3457
	<u>Annually</u>	<u>41974</u>	<u>44429</u>	<u>47008</u>	<u>49650</u>	<u>52478</u>		3458
<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>	3459
	<u>Annually</u>	<u>46301</u>	<u>48922</u>	<u>51542</u>	<u>54392</u>	<u>57429</u>	<u>60549</u>	3460
<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>	3461
	<u>Annually</u>	<u>51043</u>	<u>53851</u>	<u>56805</u>	<u>59842</u>	<u>63211</u>	<u>66643</u>	3462
<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>	3463



<u>of rates:</u>								
		<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>	
								3497
								3498
								3499
<u>1</u>	<u>Hourly</u>	<u>10.07</u>	<u>10.52</u>	<u>10.97</u>	<u>11.44</u>			3500
	<u>Annually</u>	<u>20946</u>	<u>21882</u>	<u>22818</u>	<u>23795</u>			3501
<u>2</u>	<u>Hourly</u>	<u>12.21</u>	<u>12.73</u>	<u>13.28</u>	<u>13.86</u>			3502
	<u>Annually</u>	<u>25397</u>	<u>26478</u>	<u>27622</u>	<u>28829</u>			3503
<u>3</u>	<u>Hourly</u>	<u>12.79</u>	<u>13.37</u>	<u>13.96</u>	<u>14.57</u>			3504
	<u>Annually</u>	<u>26603</u>	<u>27810</u>	<u>29037</u>	<u>30306</u>			3505
<u>4</u>	<u>Hourly</u>	<u>13.43</u>	<u>14.03</u>	<u>14.70</u>	<u>15.36</u>			3506
	<u>Annually</u>	<u>27934</u>	<u>29182</u>	<u>30576</u>	<u>31949</u>			3507
<u>5</u>	<u>Hourly</u>	<u>14.09</u>	<u>14.73</u>	<u>15.36</u>	<u>16.03</u>			3508
	<u>Annually</u>	<u>29307</u>	<u>30638</u>	<u>31949</u>	<u>33342</u>			3509
<u>6</u>	<u>Hourly</u>	<u>14.85</u>	<u>15.46</u>	<u>16.15</u>	<u>16.81</u>			3510
	<u>Annually</u>	<u>30888</u>	<u>32157</u>	<u>33592</u>	<u>34965</u>			3511
<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>		3512
	<u>Annually</u>	<u>32802</u>	<u>34008</u>	<u>35402</u>	<u>36650</u>	<u>38064</u>		3513
<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>		3514
	<u>Annually</u>	<u>34653</u>	<u>36192</u>	<u>37752</u>	<u>39458</u>	<u>41142</u>		3515
<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>		3516
	<u>Annually</u>	<u>36982</u>	<u>38896</u>	<u>40810</u>	<u>42848</u>	<u>45032</u>		3517
<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>		3518
	<u>Annually</u>	<u>39915</u>	<u>42078</u>	<u>44346</u>	<u>46904</u>	<u>49421</u>		3519
<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>		3520
	<u>Annually</u>	<u>43451</u>	<u>45989</u>	<u>48651</u>	<u>51397</u>	<u>54309</u>		3521
<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>	3522
	<u>Annually</u>	<u>47923</u>	<u>50627</u>	<u>53352</u>	<u>56306</u>	<u>59446</u>	<u>62670</u>	3523
<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>	3524
	<u>Annually</u>	<u>52832</u>	<u>55744</u>	<u>58802</u>	<u>61942</u>	<u>65416</u>	<u>68973</u>	3525
<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>	3526
	<u>Annually</u>	<u>58094</u>	<u>61381</u>	<u>64688</u>	<u>68224</u>	<u>72072</u>	<u>76107</u>	3527
<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>	3528
	<u>Annually</u>	<u>63814</u>	<u>67413</u>	<u>71219</u>	<u>75130</u>	<u>79310</u>	<u>83658</u>	3529



<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>	3530
	<u>Annually</u>	<u>70366</u>	<u>74277</u>	<u>78354</u>	<u>82763</u>	<u>87318</u>	<u>92310</u>	3531
<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>	3532
	<u>Annually</u>	<u>77542</u>	<u>81827</u>	<u>86403</u>	<u>91166</u>	<u>96242</u>	<u>101629</u>	3533
<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>	3534
	<u>Annually</u>	<u>85446</u>	<u>90189</u>	<u>95264</u>	<u>100485</u>	<u>106059</u>	<u>111987</u>	3535
								3536
	<u>Range</u>		<u>Minimum</u>			<u>Maximum</u>		3537
<u>41</u>	<u>Hourly</u>		<u>16.23</u>			<u>37.25</u>		3538
	<u>Annually</u>		<u>33758</u>			<u>77480</u>		3539
<u>42</u>	<u>Hourly</u>		<u>17.89</u>			<u>41.14</u>		3540
	<u>Annually</u>		<u>37211</u>			<u>85571</u>		3541
<u>43</u>	<u>Hourly</u>		<u>19.70</u>			<u>45.31</u>		3542
	<u>Annually</u>		<u>40976</u>			<u>94245</u>		3543
<u>44</u>	<u>Hourly</u>		<u>21.73</u>			<u>49.50</u>		3544
	<u>Annually</u>		<u>45198</u>			<u>102960</u>		3545
<u>45</u>	<u>Hourly</u>		<u>24.01</u>			<u>54.04</u>		3546
	<u>Annually</u>		<u>49941</u>			<u>112403</u>		3547
<u>46</u>	<u>Hourly</u>		<u>26.43</u>			<u>59.06</u>		3548
	<u>Annually</u>		<u>54974</u>			<u>122845</u>		3549
<u>47</u>	<u>Hourly</u>		<u>29.14</u>			<u>64.45</u>		3550
	<u>Annually</u>		<u>60611</u>			<u>134056</u>		3551
<u>48</u>	<u>Hourly</u>		<u>32.14</u>			<u>70.33</u>		3552
	<u>Annually</u>		<u>66851</u>			<u>146286</u>		3553
<u>49</u>	<u>Hourly</u>		<u>35.44</u>			<u>75.94</u>		3554
	<u>Annually</u>		<u>73715</u>			<u>157955</u>		3555

(E) Beginning on the first day of the pay period that 3556  
includes July 1, 2006, each exempt employee who must be paid in 3557  
accordance with schedule E-1 for step seven only shall be paid a 3558  
salary or wage in accordance with the following schedule of rates: 3559  
Schedule E-1 for Step Seven Only 3560  
Pay Ranges and Step Seven Values 3561

	Range		3562
12	Hourly	29.68	3563
	Annually	61734	3564
13	Hourly	32.66	3565
	Annually	67933	3566
14	Hourly	36.01	3567
	Annually	74901	3568
15	Hourly	39.61	3569
	Annually	82389	3570
16	Hourly	43.70	3571
	Annually	90896	3572
17	Hourly	48.13	3573
	Annually	100110	3574
18	Hourly	53.02	3575
	Annually	110282	3576

~~(D)~~(F) Beginning on the first day of the pay period that 3577  
includes July 1, 2007, each exempt employee who must be paid in 3578  
accordance with schedule E-1 for step seven only shall be paid a 3579  
salary or wage in accordance with the following schedule of rates: 3580

	<u>Range</u>		3581
<u>12</u>	<u>Hourly</u>	<u>30.72</u>	3582
	<u>Annually</u>	<u>63898</u>	3583
<u>13</u>	<u>Hourly</u>	<u>33.80</u>	3584
	<u>Annually</u>	<u>70304</u>	3585
<u>14</u>	<u>Hourly</u>	<u>37.27</u>	3586
	<u>Annually</u>	<u>77522</u>	3587
<u>15</u>	<u>Hourly</u>	<u>41.00</u>	3588
	<u>Annually</u>	<u>85280</u>	3589
<u>16</u>	<u>Hourly</u>	<u>45.23</u>	3590
	<u>Annually</u>	<u>94078</u>	3591
<u>17</u>	<u>Hourly</u>	<u>49.81</u>	3592
	<u>Annually</u>	<u>103605</u>	3593
<u>18</u>	<u>Hourly</u>	<u>54.88</u>	3594

	<u>Annually</u>	<u>114150</u>	3595
	<u>(G) Beginning on the first day of the pay period that</u>		3596
	<u>includes July 1, 2008, each exempt employee who must be paid in</u>		3597
	<u>accordance with salary schedule E-1 for step seven only shall be</u>		3598
	<u>paid a salary or wage in accordance with the following schedule of</u>		3599
	<u>rates:</u>		3600
	<u>Range</u>		3601
<u>12</u>	<u>Hourly</u>	<u>31.80</u>	3602
	<u>Annually</u>	<u>66144</u>	3603
<u>13</u>	<u>Hourly</u>	<u>34.98</u>	3604
	<u>Annually</u>	<u>72758</u>	3605
<u>14</u>	<u>Hourly</u>	<u>38.57</u>	3606
	<u>Annually</u>	<u>80226</u>	3607
<u>15</u>	<u>Hourly</u>	<u>42.44</u>	3608
	<u>Annually</u>	<u>88275</u>	3609
<u>16</u>	<u>Hourly</u>	<u>46.81</u>	3610
	<u>Annually</u>	<u>97365</u>	3611
<u>17</u>	<u>Hourly</u>	<u>51.55</u>	3612
	<u>Annually</u>	<u>107224</u>	3613
<u>18</u>	<u>Hourly</u>	<u>56.80</u>	3614
	<u>Annually</u>	<u>118144</u>	3615
	<u>(H) As used in this section, "exempt employee" means a</u>		3616
	<u>permanent full-time or permanent part-time employee paid directly</u>		3617
	<u>by warrant of the director of budget and management whose position</u>		3618
	<u>is included in the job classification plan established under</u>		3619
	<u>division (A) of section 124.14 of the Revised Code but who is not</u>		3620
	<u>considered a public employee for the purposes of Chapter 4117. of</u>		3621
	<u>the Revised Code. As used in this section, "exempt employee" also</u>		3622
	<u>includes a permanent full-time or permanent part-time employee of</u>		3623
	<u>the secretary of state, auditor of state, treasurer of state, or</u>		3624
	<u>attorney general who has not been placed in an appropriate</u>		3625
	<u>bargaining unit by the state employment relations board.</u>		3626

**Sec. 125.45.** The department of administrative services shall 3627  
maintain facilities to perform office reproduction services for 3628  
all boards, commissions, or departments except for the bureau of 3629  
workers' compensation. Upon written application to the department 3630  
of administrative services, permission may be granted to a board, 3631  
commission, or department to perform such services outside the 3632  
central facility and such permission shall state the extent of the 3633  
services which the department, board, or commission shall perform. 3634

Office reproduction services using stencils, masters, or 3635  
plates are restricted to duplicating equipment not larger than 3636  
seventeen by twenty-two inches. Not to exceed five thousand press 3637  
impressions shall be produced of any such order except that up to 3638  
one thousand production copies may be produced of any item 3639  
consisting of multiple pages and except that over five thousand, 3640  
but not more than ten thousand, press impressions may be produced 3641  
if the director of administrative services determines that there 3642  
is an emergency due to the timing of service delivery or another 3643  
factor that may cause financial hardship to the state. 3644

Nothing in this section precludes the bureau from entering 3645  
into a contract with the department of administrative services for 3646  
the department to perform office reproduction services for the 3647  
bureau. 3648

~~Neither the department nor any other~~ No state agency, other 3649  
than the department of administrative services, shall perform 3650  
printing or office reproduction services for political 3651  
subdivisions. 3652

**Sec. 125.93.** The state forms management program shall do each 3653  
of the following: 3654

(A) Assist state agencies in establishing internal forms 3655  
management capabilities; 3656

~~(B) Study, develop, coordinate, and initiate forms of interagency and common administrative usage, and establish basic design and specification criteria to standardize state forms;~~ 3657  
3658

~~(C) Assist state agencies to design economical forms;~~ 3660

~~(D)(C) Assist, train, and instruct state agencies and their forms management representatives in forms management techniques, and provide direct forms management assistance to new state agencies as they are created;~~ 3661  
3662  
3663  
3664

~~(E) Maintain a central forms repository of all state forms to facilitate standardization of the forms, eliminate redundant forms, and provide a central source of information on forms usage and availability.~~ 3665  
3666  
3667  
3668

**Sec. 125.96.** The director of administrative services may adopt, amend, or rescind rules necessary to carry out the powers and duties imposed upon the state forms management program and state agencies by sections 125.92 to 125.98 of the Revised Code. The director shall adopt, and may amend or rescind, rules providing each of the following:

~~(A) After a date to be determined by the state forms management program, no state agency shall utilize any form, other than a form subject to division (B) of section 125.95 of the Revised Code, the management of which has not been delegated to the agency by the program under division (A) of that section or been approved by the program.~~ 3675  
3676  
3677  
3678  
3679  
3680

~~(B) The notice required by section 125.97 of the Revised Code shall appear in a standard place and a standard manner on each form to which the notice applies, and shall include specified indicia of approval by the state forms management program.~~ 3681  
3682  
3683  
3684

~~(C) Any form required by a state agency on an emergency basis may be given interim approval by the state forms management~~ 3685  
3686

~~program if the form is accompanied by a letter from the director 3687  
or other head of the agency setting forth the nature of the 3688  
emergency and requesting interim approval. 3689~~

**Sec. 125.97.** All forms, ~~other than those forms subject to 3690  
division (B) of section 125.95 of the Revised Code, used to obtain 3691  
information from private business, agriculture, or local 3692  
governments, except those forms used by the tax commissioner for 3693  
administration of taxes and programs, shall contain a conspicuous 3694  
notice on the first page setting forth the authorization for the 3695  
form and stating whether providing the information sought is 3696  
required or voluntary, and any penalties that apply to failure to 3697  
provide the information. 3698~~

**Sec. 125.98.** (A) Each state agency shall appoint a forms 3699  
management representative, who may be from existing personnel. The 3700  
appointee shall cooperate with, and provide other necessary 3701  
assistance to, the director of administrative services and the 3702  
state forms management program in implementing the program. A 3703  
forms management representative shall do all of the following: 3704

(1) Manage the agency's forms management program and 3705  
cooperate with and provide other necessary assistance to the 3706  
director of administrative services in implementing the state 3707  
forms management program; 3708

(2) Monitor the use and reproduction of all forms to ensure 3709  
that all policies, procedures, guidelines, and standards 3710  
established by the agency and the director of administrative 3711  
services are followed; 3712

(3) ~~Ensure that every form used by the agency is presented to 3713  
the state forms management program for registration prior to its 3714  
reproduction; 3715~~

(4) ~~Maintain a master forms file history file, in numeric 3716~~

~~order, of all agency forms;~~ 3717

~~(5) Verify and update the all historical information on all 3718  
forms in the agency's central forms repository database. 3719~~

(B) Any state agency, as defined in section 1.60 of the 3720  
Revised Code, not included within the definition of a state agency 3721  
in section 125.91 of the Revised Code may elect to participate in 3722  
the state forms management program. The program may provide to any 3723  
such agency any service required or authorized by sections 125.92 3724  
to 125.98 of the Revised Code to be performed for a state agency. 3725

**Sec. 126.07.** ~~No Except as provided in division (B) of section 3726  
126.21 of the Revised Code, no contract, agreement, or obligation 3727  
involving the expenditure of money chargeable to an appropriation, 3728  
nor any resolution or order for the expenditure of money 3729  
chargeable to an appropriation, shall be valid and enforceable 3730  
unless the director of budget and management first certifies that 3731  
there is a balance in the appropriation not already obligated to 3732  
pay existing obligations, in an amount at least equal to the 3733  
portion of the contract, agreement, obligation, resolution, or 3734  
order to be performed in the current fiscal year. Any written 3735  
contract or agreement entered into by the state shall contain a 3736  
clause stating that the obligations of the state are subject to 3737  
this section. 3738~~

~~The chief administrative officer of a state agency is 3739  
responsible for the preaudit and approval of expenditures and 3740  
other transactions of the agency. In order to ~~make~~ initiate the 3741  
making of a payment from the state treasury, the person in a state 3742  
agency who requests that the payment be made shall first submit to 3743  
the ~~director~~ chief administrative officer of the agency all 3744  
invoices, claims, vouchers, and other ~~evidentiary matter~~ 3745  
documentation related to the payment. ~~If the director approves~~ 3746  
~~payment to be made, the director shall draw a warrant as provided~~ 3747~~

in section 126.35 of the Revised Code. The chief administrative officer shall examine each voucher and all other documentation required to support the voucher and determine whether they meet all the requirements established by the director of budget and management for making the payment. If they do meet those requirements, the chief administrative officer shall certify to the director the approval of the chief administrative officer for payment. 3748  
3749  
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Prior to drawing a warrant as provided in section 126.35 of the Revised Code, the director may review and audit the voucher, any documentation accompanying the voucher, and any other documentation related to the transaction that the director may require to determine if the transaction is in accordance with law. 3756  
3757  
3758  
3759  
3760  
The director shall not approve payment to be made if the director 3761  
finds that there is not an unobligated balance in the 3762  
appropriation for the payment, that the payment is not for a valid 3763  
claim against the state that is legally due, or that insufficient 3764  
~~evidentiary matter~~ documentation has been submitted. If the 3765  
director does not approve payment, the director shall notify the 3766  
agency of the reasons the director has not given approval. 3767

In approving payments to be made under this section, the 3768  
director, upon receipt of certification from the director of job 3769  
and family services pursuant to section 4141.231 of the Revised 3770  
Code, shall withhold from amounts otherwise payable to a person 3771  
who is the subject of the director of jobs and family services' 3772  
certification, the amount certified to be due and unpaid to the 3773  
director of job and family services, and shall approve for payment 3774  
to the director of job and family services, the amount withheld. 3775

As used in this section and in section 126.21 of the Revised Code, "chief administrative officer" means either of the following: 3776  
3777  
3778

(A) The director of the agency or, in the case of a state 3779



agency without a director, the equivalent officer of that agency; 3780

(B) The designee of the chief administrative officer for the 3781  
purposes of such sections. 3782

**Sec. 126.08.** The director of budget and management may 3783  
exercise control over the financial transactions of state 3784  
agencies, including approving, disapproving, voiding, or 3785  
invalidating encumbrances or transactions, except those in the 3786  
judicial and legislative branches, by: 3787

(A) Requiring encumbrancing documents or any other financial 3788  
information to be submitted to the director, ~~where such submission~~ 3789  
~~is prescribed by law or where the director considers such~~ 3790  
~~submission necessary~~ to evaluate the legality of a proposed an 3791  
expenditure, and by approving or disapproving any encumbrance 3792  
~~requested,~~ except that the director shall not disapprove any 3793  
encumbrancing document submitted by the attorney general, auditor 3794  
of state, secretary of state, or treasurer of state unless there 3795  
is an insufficient unobligated balance in the appropriation or the 3796  
encumbrance does not meet all other legal requirements. Those 3797  
portions of an appropriation that are encumbered are not available 3798  
for expenditure for any purpose other than that indicated on the 3799  
encumbrancing document. If any requirements of the director 3800  
regarding the submission of encumbrancing documents or other 3801  
financial information are not complied with, or if any 3802  
encumbrancing document is disapproved in whole or in part, the 3803  
director shall notify the submitting agency thereof and shall not 3804  
authorize payment unless the reasons for disapproval are 3805  
corrected. 3806

(B) Requiring the allocation and allotment of any 3807  
appropriation by quarter or by any other period of time. 3808

(C) Reporting to the attorney general for such action, civil 3809  
or criminal, as the attorney general considers necessary, all 3810

facts showing improper payment of public money or misappropriation 3811  
of public property; 3812

(D) By adopting rules for carrying into effect any powers 3813  
granted by this chapter. 3814

**Sec. 126.16.** (A) This section is in implementation of 3815  
division (D) of Section 17 of Article VIII, Ohio Constitution, for 3816  
purposes of issuing direct obligations of the state subject to 3817  
that section. 3818

(B) For purposes of the computation of debt service under 3819  
Section 17 of Article VIII, Ohio Constitution, there shall be 3820  
included debt service payable on bonds that are direct obligations 3821  
of the state issued under Article VIII, Ohio Constitution, and on 3822  
those bonds anticipated by bond anticipation notes, to the extent 3823  
that debt service on those bonds is anticipated to be paid from 3824  
the state general revenue fund or net state lottery proceeds. 3825  
Examples of bonds the debt service on which is not anticipated to 3826  
be paid from either of those sources are bonds of the state issued 3827  
for highway purposes pursuant to Section 2i or 2m of Article VIII, 3828  
Ohio Constitution, which, although general obligations of the 3829  
state, have been and are anticipated to be paid from highway user 3830  
receipts and not from the general revenue fund or net state 3831  
lottery proceeds. 3832

(C) If there is no separate constitutional or statutory 3833  
provision applicable for the purpose, debt service on bonds 3834  
anticipated by bond anticipation notes shall be estimated as 3835  
provided in division (C) of this section. That amount, to be 3836  
certified either by the issuing authority of the particular notes 3837  
or by the governor or the governor's designee pursuant to division 3838  
(E) of this section, shall be the estimated amount that would have 3839  
been payable on bonds maturing serially in each fiscal year after 3840  
the fiscal year of the issuance of the notes over the maximum 3841

period of maturity for the bonds authorized in the particular 3842  
governing constitutional or statutory provision, as if those bonds 3843  
had been issued without the prior issuance of the notes, and 3844  
computed on a substantially level debt service basis applying an 3845  
interest rate or rates certified to be market rates at the time of 3846  
issuance of the notes. 3847

(D) In the case of bonds issued to refund or retire bonds, 3848  
the debt service on the new bonds shall be counted and the debt 3849  
service on the bonds being refunded or retired shall not be 3850  
counted. 3851

(E) The governor, or the governor's designee for the purpose, 3852  
shall determine and certify the fiscal year amounts required to be 3853  
applied or set aside for payment of debt service, including debt 3854  
service on any variable rate bonds, the securities to which that 3855  
debt service relates, the total office of budget and management 3856  
estimated revenues of the state for the general revenue fund and 3857  
from net state lottery proceeds during the particular fiscal year, 3858  
and any other financial data necessary or appropriate for the 3859  
purpose of the computations under division (A) of Section 17 of 3860  
Article VIII, Ohio Constitution, and this section. Those 3861  
determinations and certifications shall be filed with the director 3862  
of budget and management, the treasurer of state, and the issuing 3863  
authority for the particular obligations, at or prior to the time 3864  
those securities are issued. The governor's designee for the 3865  
purpose may be the director or assistant director of budget and 3866  
management, or any employee or official of the governor's office. 3867

(F) For purposes of this section, "securities," "interest or 3868  
interest equivalent," and "outstanding" have the same meanings as 3869  
in section 133.01 of the Revised Code, and "debt service" means 3870  
principal, including any mandatory sinking fund deposits and 3871  
mandatory redemption payments, and interest or interest equivalent 3872  
payable on securities, as those payments are stated to come due 3873

and to be payable. 3874

(G)(1) As used in this division, "avoided obligations" means 3875  
direct obligations of the state that are not issued because the 3876  
capital facilities they would have financed are instead paid for 3877  
with the proceeds of obligations issued under division (C) of 3878  
section 183.51 of the Revised Code. 3879

(2) For purposes of computing the limitation on issuing 3880  
direct obligations of the state under this section and Section 17 3881  
of Article VIII, Ohio Constitution, any avoided obligations shall 3882  
be considered as having been issued. The fiscal year amounts that 3883  
would have been required to be applied or set aside for payment of 3884  
debt service over the maximum period of maturity of the avoided 3885  
obligations had the avoided obligations been issued shall be 3886  
included in the computations. 3887

**Sec. 126.21.** (A) The director of budget and management shall 3888  
do all of the following: 3889

(1) Keep all necessary accounting records; 3890

(2) Prescribe and maintain the accounting system of the state 3891  
and establish appropriate accounting procedures and charts of 3892  
accounts; 3893

(3) Establish procedures for the use of written, electronic, 3894  
optical, or other communications media for approving and reviewing 3895  
payment vouchers; 3896

(4) Reconcile, in the case of any variation between the 3897  
amount of any appropriation and the aggregate amount of items of 3898  
the appropriation, with the advice and assistance of the state 3899  
agency affected by it and the legislative service commission, 3900  
totals so as to correspond in the aggregate with the total 3901  
appropriation. In the case of a conflict between the item and the 3902  
total of which it is a part, the item shall be considered the 3903

intended appropriation. 3904

(5) Evaluate on an ongoing basis and, if necessary, recommend 3905  
improvements to the internal controls used in state agencies; 3906

(6) Authorize the establishment of petty cash accounts. The 3907  
director of ~~budget and management~~ may withdraw approval for any 3908  
petty cash account and require the officer in charge to return to 3909  
the state treasury any unexpended balance shown by the officer's 3910  
accounts to be on hand. Any officer who is issued a warrant for 3911  
petty cash shall render a detailed account of the expenditures of 3912  
the petty cash and shall report when requested the balance of 3913  
petty cash on hand at any time. 3914

(7) Process orders, invoices, vouchers, claims, and payrolls 3915  
and prepare financial reports and statements; 3916

(8) Perform extensions, reviews, and compliance checks prior 3917  
to or after approving a payment as the director considers 3918  
necessary; 3919

(9) Issue the official comprehensive annual financial report 3920  
of the state. The report shall cover all funds of the state 3921  
reporting entity and shall include basic financial statements and 3922  
required supplementary information prepared in accordance with 3923  
generally accepted accounting principles and other information as 3924  
the director provides. All state agencies, authorities, 3925  
institutions, offices, retirement systems, and other component 3926  
units of the state reporting entity as determined by the director 3927  
shall furnish the director whatever financial statements and other 3928  
information the director requests for the report, in the form, at 3929  
the times, covering the periods, and with the attestation the 3930  
director prescribes. The information for state institutions of 3931  
higher education, as defined in section 3345.011 of the Revised 3932  
Code, shall be submitted to the ~~director~~ chancellor by the Ohio 3933  
board of regents. The board shall establish a due date by which 3934

each such institution shall submit the information to the board, 3935  
but no such date shall be later than one hundred twenty days after 3936  
the end of the state fiscal year unless a later date is approved 3937  
by the director. 3938

(B) In addition to the director's duties under division (A) 3939  
of this section, the director ~~of budget and management~~ may 3940  
establish and administer one or more state payment card programs 3941  
that permit or require state agencies to use a payment card to 3942  
purchase equipment, materials, supplies, or services in accordance 3943  
with guidelines issued by the director. The chief administrative 3944  
officer of a state agency that uses a payment card for such 3945  
purposes shall ensure that purchases made with the card are made 3946  
in accordance with the guidelines issued by the director and do 3947  
not exceed the unexpended, unencumbered, unobligated balance in 3948  
the appropriation to be charged for the purchase. State agencies 3949  
may ~~only~~ participate in only those state payment card programs 3950  
that the director establishes pursuant to this section. 3951

(C) In addition to the director's duties under divisions (A) 3952  
and (B) of this section, the director may enter into any contract 3953  
or agreement necessary for and incidental to the performance of 3954  
the director's duties or the duties of the office of budget and 3955  
management. 3956

**Sec. 126.22.** The director of budget and management may: 3957

(A) Perform accounting services for and design and implement 3958  
accounting systems with state agencies; 3959

(B) Provide other accounting services, including the 3960  
maintenance and periodic auditing of the financial records of and 3961  
submission of vouchers by state agencies, provision of assistance 3962  
in the analysis of the financial position of state agencies, and 3963  
preparation and submission of reports; 3964

(C) Change any accounting code appearing in appropriations 3965  
acts of the general assembly. 3966

Sec. 126.24. The OAKS support organization fund is hereby 3967  
created in the state treasury for the purpose of paying the 3968  
operating expenses of the state's enterprise resource planning 3969  
system. The fund shall consist of cash transfers from the 3970  
accounting and budgeting fund and the human resources services 3971  
fund, and other revenues designated to support the operating costs 3972  
of the Ohio administrative knowledge system. All investment 3973  
earnings of the fund shall be credited to the fund. 3974

Sec. 126.40. There is hereby created in the state treasury 3975  
the forgery recovery fund. The fund shall consist of all moneys 3976  
collected by the attorney general from the resolution of cases of 3977  
fraud or forgery involving warrants issued by the director of the 3978  
office of budget and management. The director shall use the fund 3979  
to pay costs associated with the reissue of state warrants to 3980  
payees whose warrants were fraudulently redeemed. 3981

**Sec. 127.14.** The controlling board may, at the request of any 3982  
state agency or the director of budget and management, authorize, 3983  
with respect to the provisions of any appropriation act: 3984

(A) Transfers of all or part of an appropriation within but 3986  
not between state agencies, except such transfers as the director 3987  
of budget and management is authorized by law to make, provided 3988  
that no transfer shall be made by the director for the purpose of 3989  
effecting new or changed levels of program service not authorized 3990  
by the general assembly; 3991

(B) Transfers of all or part of an appropriation from one 3992  
fiscal year to another; 3993

(C) Transfers of all or part of an appropriation within or 3994  
between state agencies made necessary by administrative 3995  
reorganization or by the abolition of an agency or part of an 3996  
agency; 3997

(D) Transfers of all or part of cash balances in excess of 3998  
needs from any fund of the state to the general revenue fund or to 3999  
such other fund of the state to which the money would have been 4000  
credited in the absence of the fund from which the transfers are 4001  
authorized to be made, except that the controlling board may not 4002  
authorize such transfers from the accrued leave liability fund, 4003  
auto registration distribution fund, budget stabilization fund, 4004  
development bond retirement fund, facilities establishment fund, 4005  
gasoline excise tax fund, general revenue fund, higher education 4006  
improvement fund, highway improvement bond retirement fund, 4007  
highway obligations bond retirement fund, highway capital 4008  
improvement fund, highway operating fund, horse racing tax fund, 4009  
improvements bond retirement fund, ~~library and local government~~ 4010  
~~support libraries~~ fund, liquor control fund, local ~~government~~ 4011  
communities fund, local transportation improvement program fund, 4012  
mental health facilities improvement fund, Ohio fairs fund, parks 4013  
and recreation improvement fund, public improvements bond 4014  
retirement fund, school district income tax fund, state agency 4015  
facilities improvement fund, state and local government highway 4016  
distribution fund, state highway safety fund, state lottery fund, 4017  
undivided liquor permit fund, Vietnam conflict compensation bond 4018  
retirement fund, volunteer fire fighters' dependents fund, 4019  
waterways safety fund, wildlife fund, workers' compensation fund, 4020  
or any fund not specified in this division that the director of 4021  
budget and management determines to be a bond fund or bond 4022  
retirement fund; 4023

(E) Transfers of all or part of those appropriations included 4024  
in the emergency purposes account of the controlling board; 4025



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

(G) Transfer or release of all or part of an appropriation to a state agency requiring controlling board approval of such transfer or release as provided by law;

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

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

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

Whenever there is a transfer of all or part of funds included in the emergency purposes appropriation by the controlling board, pursuant to division (E) of this section, the state agency or the director of budget and management receiving such transfer shall keep a detailed record of the use of the transferred funds. At the earliest scheduled meeting of the controlling board following the accomplishment of the purposes specified in the request originally seeking the transfer, or following the total expenditure of the transferred funds for the specified purposes, the state agency or the director of budget and management shall submit a report on the

expenditure of such funds to the board. The portion of any 4057  
appropriation so transferred which is not required to accomplish 4058  
the purposes designated in the original request to the controlling 4059  
board shall be returned to the proper appropriation of the 4060  
controlling board at this time. 4061

Notwithstanding any provisions of law providing for the 4062  
deposit of revenues received by a state agency to the credit of a 4063  
particular fund in the state treasury, whenever there is a 4064  
temporary transfer of funds included in the emergency purposes 4065  
appropriation of the controlling board pursuant to division (H) of 4066  
this section, revenues received by any state agency receiving such 4067  
a temporary transfer of funds shall, as directed by the 4068  
controlling board, be transferred back to the emergency purposes 4069  
appropriation. 4070

The board may delegate to the director of budget and 4071  
management authority to approve transfers among items of 4072  
appropriation under division (A) of this section. 4073

**Sec. 127.16.** (A) Upon the request of either a state agency or 4074  
the director of budget and management and after the controlling 4075  
board determines that an emergency or a sufficient economic reason 4076  
exists, the controlling board may approve the making of a purchase 4077  
without competitive selection as provided in division (B) of this 4078  
section. 4079

(B) Except as otherwise provided in this section, no state 4080  
agency, using money that has been appropriated to it directly, 4081  
shall: 4082

(1) Make any purchase from a particular supplier, that would 4083  
amount to fifty thousand dollars or more when combined with both 4084  
the amount of all disbursements to the supplier during the fiscal 4085  
year for purchases made by the agency and the amount of all 4086  
outstanding encumbrances for purchases made by the agency from the 4087

supplier, unless the purchase is made by competitive selection or 4088  
with the approval of the controlling board; 4089

(2) Lease real estate from a particular supplier, if the 4090  
lease would amount to seventy-five thousand dollars or more when 4091  
combined with both the amount of all disbursements to the supplier 4092  
during the fiscal year for real estate leases made by the agency 4093  
and the amount of all outstanding encumbrances for real estate 4094  
leases made by the agency from the supplier, unless the lease is 4095  
made by competitive selection or with the approval of the 4096  
controlling board. 4097

(C) Any person who authorizes a purchase in violation of 4098  
division (B) of this section shall be liable to the state for any 4099  
state funds spent on the purchase, and the attorney general shall 4100  
collect the amount from the person. 4101

(D) Nothing in division (B) of this section shall be 4102  
construed as: 4103

(1) A limitation upon the authority of the director of 4104  
transportation as granted in sections 5501.17, 5517.02, and 4105  
5525.14 of the Revised Code; 4106

(2) Applying to medicaid provider agreements under Chapter 4107  
5111. of the Revised Code or payments or provider agreements under 4108  
the disability medical assistance program established under 4109  
Chapter 5115. of the Revised Code; 4110

(3) Applying to the purchase of examinations from a sole 4111  
supplier by a state licensing board under Title XLVII of the 4112  
Revised Code; 4113

(4) Applying to entertainment contracts for the Ohio state 4114  
fair entered into by the Ohio expositions commission, provided 4115  
that the controlling board has given its approval to the 4116  
commission to enter into such contracts and has approved a total 4117  
budget amount for such contracts as agreed upon by commission 4118

action, and that the commission causes to be kept itemized records 4119  
of the amounts of money spent under each contract and annually 4120  
files those records with the clerk of the house of representatives 4121  
and the clerk of the senate following the close of the fair; 4122

(5) Limiting the authority of the chief of the division of 4123  
mineral resources management to contract for reclamation work with 4124  
an operator mining adjacent land as provided in section 1513.27 of 4125  
the Revised Code; 4126

(6) Applying to investment transactions and procedures of any 4127  
state agency, except that the agency shall file with the board the 4128  
name of any person with whom the agency contracts to make, broker, 4129  
service, or otherwise manage its investments, as well as the 4130  
commission, rate, or schedule of charges of such person with 4131  
respect to any investment transactions to be undertaken on behalf 4132  
of the agency. The filing shall be in a form and at such times as 4133  
the board considers appropriate. 4134

(7) Applying to purchases made with money for the per cent 4135  
for arts program established by section 3379.10 of the Revised 4136  
Code; 4137

(8) Applying to purchases made by the rehabilitation services 4138  
commission of services, or supplies, that are provided to persons 4139  
with disabilities, or to purchases made by the commission in 4140  
connection with the eligibility determinations it makes for 4141  
applicants of programs administered by the social security 4142  
administration; 4143

(9) Applying to payments by the department of job and family 4144  
services under section 5111.13 of the Revised Code for group 4145  
health plan premiums, deductibles, coinsurance, and other 4146  
cost-sharing expenses; 4147

(10) Applying to any agency of the legislative branch of the 4148  
state government; 4149

(11) Applying to agreements or contracts entered into under	4150
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the	4151
Revised Code;	4152
(12) Applying to purchases of services by the adult parole	4153
authority under section 2967.14 of the Revised Code or by the	4154
department of youth services under section 5139.08 of the Revised	4155
Code;	4156
(13) Applying to dues or fees paid for membership in an	4157
organization or association;	4158
(14) Applying to purchases of utility services pursuant to	4159
section 9.30 of the Revised Code;	4160
(15) Applying to purchases made in accordance with rules	4161
adopted by the department of administrative services of motor	4162
vehicle, aviation, or watercraft fuel, or emergency repairs of	4163
such vehicles;	4164
(16) Applying to purchases of tickets for passenger air	4165
transportation;	4166
(17) Applying to purchases necessary to provide public	4167
notifications required by law or to provide notifications of job	4168
openings;	4169
(18) Applying to the judicial branch of state government;	4170
(19) Applying to purchases of liquor for resale by the	4171
division of liquor control;	4172
(20) Applying to purchases of motor courier and freight	4173
services made in accordance with department of administrative	4174
services rules;	4175
(21) Applying to purchases from the United States postal	4176
service and purchases of stamps and postal meter replenishment	4177
from vendors at rates established by the United States postal	4178
service;	4179

(22) Applying to purchases of books, periodicals, pamphlets,	4180
newspapers, maintenance subscriptions, and other published	4181
materials;	4182
(23) Applying to purchases from other state agencies,	4183
including state-assisted institutions of higher education;	4184
(24) Limiting the authority of the director of environmental	4185
protection to enter into contracts under division (D) of section	4186
3745.14 of the Revised Code to conduct compliance reviews, as	4187
defined in division (A) of that section;	4188
(25) Applying to purchases from a qualified nonprofit agency	4189
pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of	4190
the Revised Code;	4191
(26) Applying to payments by the department of job and family	4192
services to the United States department of health and human	4193
services for printing and mailing notices pertaining to the tax	4194
refund offset program of the internal revenue service of the	4195
United States department of the treasury;	4196
(27) Applying to contracts entered into by the department of	4197
mental retardation and developmental disabilities under <del>sections</del>	4198
<u>section</u> 5123.18, <del>5123.182, and 5123.199</del> of the Revised Code;	4199
(28) Applying to payments made by the department of mental	4200
health under a physician recruitment program authorized by section	4201
5119.101 of the Revised Code;	4202
(29) Applying to contracts entered into with persons by the	4203
director of commerce for unclaimed funds collection and remittance	4204
efforts as provided in division (F) of section 169.03 of the	4205
Revised Code. The director shall keep an itemized accounting of	4206
unclaimed funds collected by those persons and amounts paid to	4207
them for their services.	4208
(30) Applying to purchases made by a state institution of	4209

higher education in accordance with the terms of a contract 4210  
between the vendor and an inter-university purchasing group 4211  
comprised of purchasing officers of state institutions of higher 4212  
education; 4213

(31) Applying to the department of job and family services' 4214  
purchases of health assistance services under the children's 4215  
health insurance program part I provided for under section 5101.50 4216  
of the Revised Code or the children's health insurance program 4217  
part II provided for under section 5101.51 of the Revised Code; 4218

(32) Applying to payments by the attorney general from the 4219  
reparations fund to hospitals and other emergency medical 4220  
facilities for performing medical examinations to collect physical 4221  
evidence pursuant to section 2907.28 of the Revised Code; 4222

(33) Applying to contracts with a contracting authority or 4223  
administrative receiver under division (B) of section 5126.056 of 4224  
the Revised Code; 4225

(34) Applying to reimbursements paid to the United States 4226  
department of veterans affairs for pharmaceutical and patient 4227  
supply purchases made on behalf of the Ohio veterans' home agency; 4228

(35) Applying to agreements entered into with terminal 4229  
distributors of dangerous drugs under section 5110.20 of the 4230  
Revised Code. 4231

(E) Notwithstanding division (B)(1) of this section, the 4232  
cumulative purchase threshold shall be seventy-five thousand 4233  
dollars for the departments of mental retardation and 4234  
developmental disabilities, mental health, rehabilitation and 4235  
correction, and youth services. 4236

(F) When determining whether a state agency has reached the 4237  
cumulative purchase thresholds established in divisions (B)(1), 4238  
(B)(2), and (E) of this section, all of the following purchases by 4239  
such agency shall not be considered: 4240

(1) Purchases made through competitive selection or with controlling board approval;	4241 4242
(2) Purchases listed in division (D) of this section;	4243
(3) For the purposes of the thresholds of divisions (B)(1) and (E) of this section only, leases of real estate.	4244 4245
(G) As used in this section, "competitive selection," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.	4246 4247 4248
<b>Sec. 131.44.</b> (A) As used in this section:	4249
(1) "Surplus revenue" means the excess, if any, of the total fund balance over the required year-end balance.	4250 4251
(2) "Total fund balance" means the sum of the unencumbered balance in the general revenue fund on the last day of the preceding fiscal year plus the balance in the budget stabilization fund.	4252 4253 4254 4255
(3) "Required year-end balance" means the sum of the following:	4256 4257
(a) Five per cent of the general revenue fund revenues for the preceding fiscal year;	4258 4259
(b) "Ending fund balance," which means one-half of one per cent of general revenue fund revenues for the preceding fiscal year;	4260 4261 4262
(c) "Carryover balance," which means, with respect to a fiscal biennium, the excess, if any, of the estimated general revenue fund appropriation and transfer requirement for the second fiscal year of the biennium over the estimated general revenue fund revenue for that fiscal year;	4263 4264 4265 4266 4267
(d) "Capital appropriation reserve," which means the amount, if any, of general revenue fund capital appropriations made for	4268 4269



the current biennium that the director of budget and management 4270  
has determined will be encumbered or disbursed; 4271

(e) "Income tax reduction impact reserve," which means an 4272  
amount equal to the reduction projected by the director of budget 4273  
and management in income tax revenue in the current fiscal year 4274  
attributable to the previous reduction in the income tax rate made 4275  
by the tax commissioner pursuant to division (B) of section 4276  
5747.02 of the Revised Code. 4277

(4) "Estimated general revenue fund appropriation and 4278  
transfer requirement" means the most recent adjusted 4279  
appropriations made by the general assembly from the general 4280  
revenue fund and includes both of the following: 4281

(a) Appropriations made and transfers of appropriations from 4282  
the first fiscal year to the second fiscal year of the biennium in 4283  
provisions of acts of the general assembly signed by the governor 4284  
but not yet effective; 4285

(b) Transfers of appropriation from the first fiscal year to 4286  
the second fiscal year of the biennium approved by the controlling 4287  
board. 4288

(5) "Estimated general revenue fund revenue" means the most 4289  
recent such estimate available to the director of budget and 4290  
management. 4291

(B)(1) Not later than the thirty-first day of July each year, 4292  
the director of budget and management shall determine the surplus 4293  
revenue that existed on the preceding thirtieth day of June and 4294  
transfer from the general revenue fund, to the extent of the 4295  
unobligated, unencumbered balance on the preceding thirtieth day 4296  
of June in excess of one-half of one per cent of the general 4297  
revenue fund revenues in the preceding fiscal year, the following: 4298

(a) First, to the budget stabilization fund, any amount 4299  
necessary for the balance of the budget stabilization fund to 4300

equal five per cent of the general revenue fund revenues of the 4301  
preceding fiscal year; 4302

(b) Then, to the income tax reduction fund, which is hereby 4303  
created in the state treasury, an amount equal to the surplus 4304  
revenue. 4305

(2) Not later than the thirty-first day of July each year, 4306  
the director shall determine the percentage that the balance in 4307  
the income tax reduction fund is of the amount of revenue that the 4308  
director estimates will be received from the tax levied under 4309  
section 5747.02 of the Revised Code in the current fiscal year 4310  
without regard to any reduction under division (B) of that 4311  
section. If that percentage exceeds thirty-five one hundredths of 4312  
one per cent, the director shall certify the percentage to the tax 4313  
commissioner not later than the thirty-first day of July. 4314

(C) The director of budget and management shall transfer 4315  
money in the income tax reduction fund to the general revenue 4316  
fund, the local ~~government~~ communities fund, and the ~~library and~~ 4317  
local ~~government support~~ libraries fund, ~~and the local government~~ 4318  
~~revenue assistance fund~~ as necessary to offset revenue reductions 4319  
resulting from the reductions in taxes required under division (B) 4320  
of section 5747.02 of the Revised Code in the respective amounts 4321  
and percentages prescribed by ~~divisions~~ division (A)~~(1), (2), and~~ 4322  
~~(4)~~ of section 5747.03 and divisions (A) and (B) of section 133.51 4323  
of the Revised Code as if the amount transferred had been 4324  
collected as taxes under Chapter 5747. of the Revised Code. If no 4325  
reductions in taxes are made under that division that affect 4326  
revenue received in the current fiscal year, the director shall 4327  
not transfer money from the income tax reduction fund to the 4328  
general revenue fund, the local ~~government~~ communities fund, and 4329  
the ~~library and~~ local ~~government support~~ libraries fund, ~~and the~~ 4330  
~~local government revenue assistance fund.~~ 4331

Sec. 131.51. (A) Beginning January 2008, on or before the 4332  
fifth day of each month, the director of budget and management 4333  
shall credit to the local communities fund, which is hereby 4334  
created in the state treasury, three and sixty-eight one 4335  
hundredths per cent of total tax revenue credited to the general 4336  
revenue fund during the preceding month. In determining the total 4337  
tax revenue credited to the general revenue fund during the 4338  
preceding month, the director shall include amounts transferred 4339  
from that fund during the preceding month pursuant to divisions 4340  
(A) and (B) of this section. Money shall be distributed from the 4341  
local communities fund as required under section 5747.50 of the 4342  
Revised Code during the same month in which it is credited to the 4343  
fund. 4344

(B) Beginning January 2008, on or before the fifth day of 4345  
each month, the director of budget and management shall credit to 4346  
the local libraries fund, which is hereby created in the state 4347  
treasury, two and twenty-two one hundredths per cent of the total 4348  
tax revenue credited to the general revenue fund during the 4349  
preceding month. In determining the total tax revenue credited to 4350  
the general revenue fund during the preceding month, the director 4351  
shall include amounts transferred from that fund during the 4352  
preceding month pursuant to divisions (A) and (B) of this section. 4353  
Money shall be distributed from the local libraries fund as 4354  
required under section 5747.47 of the Revised Code during the same 4355  
month in which it is credited to the fund. 4356

(C) The director of budget and management shall develop a 4357  
schedule identifying the specific tax revenue sources to be used 4358  
to make the monthly transfers required under divisions (A) and (B) 4359  
of this section. The director may, from time to time, revise the 4360  
schedule as the director considers necessary. 4361

**Sec. 133.01.** As used in this chapter, in sections 9.95, 9.96, 4362

and 2151.655 of the Revised Code, in other sections of the Revised Code that make reference to this chapter unless the context does not permit, and in related proceedings, unless otherwise expressly provided:

(A) "Acquisition" as applied to real or personal property includes, among other forms of acquisition, acquisition by exercise of a purchase option, and acquisition of interests in property, including, without limitation, easements and rights-of-way, and leasehold and other lease interests initially extending or extendable for a period of at least sixty months.

(B) "Anticipatory securities" means securities, including notes, issued in anticipation of the issuance of other securities.

(C) "Board of elections" means the county board of elections of the county in which the subdivision is located. If the subdivision is located in more than one county, "board of elections" means the county board of elections of the county that contains the largest portion of the population of the subdivision or that otherwise has jurisdiction in practice over and customarily handles election matters relating to the subdivision.

(D) "Bond retirement fund" means the bond retirement fund provided for in section 5705.09 of the Revised Code, and also means a sinking fund or any other special fund, regardless of the name applied to it, established by or pursuant to law or the proceedings for the payment of debt charges. Provision may be made in the applicable proceedings for the establishment in a bond retirement fund of separate accounts relating to debt charges on particular securities, or on securities payable from the same or common sources, and for the application of moneys in those accounts only to specified debt charges on specified securities or categories of securities. Subject to law and any provisions in the applicable proceedings, moneys in a bond retirement fund or separate account in a bond retirement fund may be transferred to

other funds and accounts. 4395

(E) "Capitalized interest" means all or a portion of the 4396  
interest payable on securities from their date to a date stated or 4397  
provided for in the applicable legislation, which interest is to 4398  
be paid from the proceeds of the securities. 4399

(F) "Chapter 133. securities" means securities authorized by 4400  
or issued pursuant to or in accordance with this chapter. 4401

(G) "County auditor" means the county auditor of the county 4402  
in which the subdivision is located. If the subdivision is located 4403  
in more than one county, "county auditor" means the county auditor 4404  
of the county that contains the highest amount of the tax 4405  
valuation of the subdivision or that otherwise has jurisdiction in 4406  
practice over and customarily handles property tax matters 4407  
relating to the subdivision. In the case of a county that has 4408  
adopted a charter, "county auditor" means the officer who 4409  
generally has the duties and functions provided in the Revised 4410  
Code for a county auditor. 4411

(H) "Credit enhancement facilities" means letters of credit, 4412  
lines of credit, stand-by, contingent, or firm securities purchase 4413  
agreements, insurance, or surety arrangements, guarantees, and 4414  
other arrangements that provide for direct or contingent payment 4415  
of debt charges, for security or additional security in the event 4416  
of nonpayment or default in respect of securities, or for making 4417  
payment of debt charges to and at the option and on demand of 4418  
securities holders or at the option of the issuer or upon certain 4419  
conditions occurring under put or similar arrangements, or for 4420  
otherwise supporting the credit or liquidity of the securities, 4421  
and includes credit, reimbursement, marketing, remarketing, 4422  
indexing, carrying, interest rate hedge, and subrogation 4423  
agreements, and other agreements and arrangements for payment and 4424  
reimbursement of the person providing the credit enhancement 4425  
facility and the security for that payment and reimbursement. 4426

(I) "Current operating expenses" or "current expenses" means 4427  
the lawful expenditures of a subdivision, except those for 4428  
permanent improvements and for payments of debt charges of the 4429  
subdivision. 4430

(J) "Debt charges" means the principal, including any 4431  
mandatory sinking fund deposits and mandatory redemption payments, 4432  
interest, and any redemption premium, payable on securities as 4433  
those payments come due and are payable. The use of "debt charges" 4434  
for this purpose does not imply that any particular securities 4435  
constitute debt within the meaning of the Ohio Constitution or 4436  
other laws. 4437

(K) "Financing costs" means all costs and expenses relating 4438  
to the authorization, including any required election, issuance, 4439  
sale, delivery, authentication, deposit, custody, clearing, 4440  
registration, transfer, exchange, fractionalization, replacement, 4441  
payment, and servicing of securities, including, without 4442  
limitation, costs and expenses for or relating to publication and 4443  
printing, postage, delivery, preliminary and final official 4444  
statements, offering circulars, and informational statements, 4445  
travel and transportation, underwriters, placement agents, 4446  
investment bankers, paying agents, registrars, authenticating 4447  
agents, remarketing agents, custodians, clearing agencies or 4448  
corporations, securities depositories, financial advisory 4449  
services, certifications, audits, federal or state regulatory 4450  
agencies, accounting and computation services, legal services and 4451  
obtaining approving legal opinions and other legal opinions, 4452  
credit ratings, redemption premiums, and credit enhancement 4453  
facilities. Financing costs may be paid from any moneys available 4454  
for the purpose, including, unless otherwise provided in the 4455  
proceedings, from the proceeds of the securities to which they 4456  
relate and, as to future financing costs, from the same sources 4457  
from which debt charges on the securities are paid and as though 4458

debt charges. 4459

(L) "Fiscal officer" means the following, or, in the case of 4460  
absence or vacancy in the office, a deputy or assistant authorized 4461  
by law or charter to act in the place of the named officer, or if 4462  
there is no such authorization then the deputy or assistant 4463  
authorized by legislation to act in the place of the named officer 4464  
for purposes of this chapter, in the case of the following 4465  
subdivisions: 4466

(1) A county, the county auditor; 4467

(2) A municipal corporation, the city auditor or village 4468  
clerk or clerk-treasurer, or the officer who, by virtue of a 4469  
charter, has the duties and functions provided in the Revised Code 4470  
for the city auditor or village clerk or clerk-treasurer; 4471

(3) A school district, the treasurer of the board of 4472  
education; 4473

(4) A regional water and sewer district, the secretary of the 4474  
board of trustees; 4475

(5) A joint township hospital district, the treasurer of the 4476  
district; 4477

(6) A joint ambulance district, the clerk of the board of 4478  
trustees; 4479

(7) A joint recreation district, the person designated 4480  
pursuant to section 755.15 of the Revised Code; 4481

(8) A detention facility district or a district organized 4482  
under section 2151.65 of the Revised Code or a combined district 4483  
organized under sections 2152.41 and 2151.65 of the Revised Code, 4484  
the county auditor of the county designated by law to act as the 4485  
auditor of the district; 4486

(9) A township, a fire district organized under division (C) 4487  
of section 505.37 of the Revised Code, or a township police 4488

district, the fiscal officer of the township;	4489
(10) A joint fire district, the clerk of the board of trustees of that district;	4490 4491
(11) A regional or county library district, the person responsible for the financial affairs of that district;	4492 4493
(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;	4494 4495 4496
(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;	4497 4498 4499
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	4500 4501 4502
(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.	4503 4504 4505
(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code.	4506 4507
(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.	4508 4509 4510 4511 4512 4513 4514
(O) "Fully registered securities" means securities in certificated or uncertificated form, registered as to both principal and interest in the name of the owner.	4515 4516 4517
(P) "Fund" means to provide for the payment of debt charges	4518



and expenses related to that payment at or prior to retirement by 4519  
purchase, call for redemption, payment at maturity, or otherwise. 4520

(Q) "General obligation" means securities to the payment of 4521  
debt charges on which the full faith and credit and the general 4522  
property taxing power, including taxes within the tax limitation 4523  
if available to the subdivision, of the subdivision are pledged. 4524

(R) "Interest" or "interest equivalent" means those payments 4525  
or portions of payments, however denominated, that constitute or 4526  
represent consideration for forbearing the collection of money, or 4527  
for deferring the receipt of payment of money to a future time. 4528

(S) "Internal Revenue Code" means the "Internal Revenue Code 4529  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 4530  
includes any laws of the United States providing for application 4531  
of that code. 4532

(T) "Issuer" means any public issuer and any nonprofit 4533  
corporation authorized to issue securities for or on behalf of any 4534  
public issuer. 4535

(U) "Legislation" means an ordinance or resolution passed by 4536  
a majority affirmative vote of the then members of the taxing 4537  
authority unless a different vote is required by charter 4538  
provisions governing the passage of the particular legislation by 4539  
the taxing authority. 4540

(V) "Mandatory sinking fund redemption requirements" means 4541  
amounts required by proceedings to be deposited in a bond 4542  
retirement fund for the purpose of paying in any year or fiscal 4543  
year by mandatory redemption prior to stated maturity the 4544  
principal of securities that is due and payable, except for 4545  
mandatory prior redemption requirements as provided in those 4546  
proceedings, in a subsequent year or fiscal year. 4547

(W) "Mandatory sinking fund requirements" means amounts 4548  
required by proceedings to be deposited in a year or fiscal year 4549

in a bond retirement fund for the purpose of paying the principal 4550  
of securities that is due and payable in a subsequent year or 4551  
fiscal year. 4552

(X) "Net indebtedness" has the same meaning as in division 4553  
(A) of section 133.04 of the Revised Code. 4554

(Y) "Obligor," in the case of securities or fractionalized 4555  
interests in public obligations issued by another person the debt 4556  
charges or their equivalents on which are payable from payments 4557  
made by a public issuer, means that public issuer. 4558

(Z) "One purpose" relating to permanent improvements means 4559  
any one permanent improvement or group or category of permanent 4560  
improvements for the same utility, enterprise, system, or project, 4561  
development or redevelopment project, or for or devoted to the 4562  
same general purpose, function, or use or for which 4563  
self-supporting securities, based on the same or different sources 4564  
of revenues, may be issued or for which special assessments may be 4565  
levied by a single ordinance or resolution. "One purpose" 4566  
includes, but is not limited to, in any case any off-street 4567  
parking facilities relating to another permanent improvement, and: 4568

(1) Any number of roads, highways, streets, bridges, 4569  
sidewalks, and viaducts; 4570

(2) Any number of off-street parking facilities; 4571

(3) In the case of a county, any number of permanent 4572  
improvements for courthouse, jail, county offices, and other 4573  
county buildings, and related facilities; 4574

(4) In the case of a school district, any number of 4575  
facilities and buildings for school district purposes, and related 4576  
facilities. 4577

(AA) "Outstanding," referring to securities, means securities 4578  
that have been issued, delivered, and paid for, except any of the 4579

following:	4580
(1) Securities canceled upon surrender, exchange, or transfer, or upon payment or redemption;	4581 4582
(2) Securities in replacement of which or in exchange for which other securities have been issued;	4583 4584
(3) Securities for the payment, or redemption or purchase for cancellation prior to maturity, of which sufficient moneys or investments, in accordance with the applicable legislation or other proceedings or any applicable law, by mandatory sinking fund redemption requirements, mandatory sinking fund requirements, or otherwise, have been deposited, and credited for the purpose in a bond retirement fund or with a trustee or paying or escrow agent, whether at or prior to their maturity or redemption, and, in the case of securities to be redeemed prior to their stated maturity, notice of redemption has been given or satisfactory arrangements have been made for giving notice of that redemption, or waiver of that notice by or on behalf of the affected security holders has been filed with the subdivision or its agent for the purpose.	4585 4586 4587 4588 4589 4590 4591 4592 4593 4594 4595 4596 4597
(BB) "Paying agent" means the one or more banks, trust companies, or other financial institutions or qualified persons, including an appropriate office or officer of the subdivision, designated as a paying agent or place of payment of debt charges on the particular securities.	4598 4599 4600 4601 4602
(CC) "Permanent improvement" or "improvement" means any property, asset, or improvement certified by the fiscal officer, which certification is conclusive, as having an estimated life or period of usefulness of five years or more, and includes, but is not limited to, real estate, buildings, and personal property and interests in real estate, buildings, and personal property, equipment, furnishings, and site improvements, and reconstruction, rehabilitation, renovation, installation, improvement,	4603 4604 4605 4606 4607 4608 4609 4610

enlargement, and extension of property, assets, or improvements so 4611  
certified as having an estimated life or period of usefulness of 4612  
five years or more. The acquisition of all the stock ownership of 4613  
a corporation is the acquisition of a permanent improvement to the 4614  
extent that the value of that stock is represented by permanent 4615  
improvements. A permanent improvement for parking, highway, road, 4616  
and street purposes includes resurfacing, but does not include 4617  
ordinary repair. 4618

(DD) "Person" has the same meaning as in section 1.59 of the 4619  
Revised Code and also includes any federal, state, interstate, 4620  
regional, or local governmental agency, any subdivision, and any 4621  
combination of those persons. 4622

(EE) "Proceedings" means the legislation, certifications, 4623  
notices, orders, sale proceedings, trust agreement or indenture, 4624  
mortgage, lease, lease-purchase agreement, assignment, credit 4625  
enhancement facility agreements, and other agreements, 4626  
instruments, and documents, as amended and supplemented, and any 4627  
election proceedings, authorizing, or providing for the terms and 4628  
conditions applicable to, or providing for the security or sale or 4629  
award of, public obligations, and includes the provisions set 4630  
forth or incorporated in those public obligations and proceedings. 4631

(FF) "Public issuer" means any of the following that is 4632  
authorized by law to issue securities or enter into public 4633  
obligations: 4634

(1) The state, including an agency, commission, officer, 4635  
institution, board, authority, or other instrumentality of the 4636  
state; 4637

(2) A taxing authority, subdivision, district, or other local 4638  
public or governmental entity, and any combination or consortium, 4639  
or public division, district, commission, authority, department, 4640  
board, officer, or institution, thereof; 4641

(3) Any other body corporate and politic, or other public entity.	4642 4643
(GG) "Public obligations" means both of the following:	4644
(1) Securities;	4645
(2) Obligations of a public issuer to make payments under installment sale, lease, lease purchase, or similar agreements, which obligations bear interest or interest equivalent.	4646 4647 4648
(HH) "Refund" means to fund and retire outstanding securities, including advance refunding with or without payment or redemption prior to maturity.	4649 4650 4651
(II) "Register" means the books kept and maintained by the registrar for registration, exchange, and transfer of registered securities.	4652 4653 4654
(JJ) "Registrar" means the person responsible for keeping the register for the particular registered securities, designated by or pursuant to the proceedings.	4655 4656 4657
(KK) "Securities" means bonds, notes, certificates of indebtedness, commercial paper, and other instruments in writing, including, unless the context does not admit, anticipatory securities, issued by an issuer to evidence its obligation to repay money borrowed, or to pay interest, by, or to pay at any future time other money obligations of, the issuer of the securities, but not including public obligations described in division (GG)(2) of this section.	4658 4659 4660 4661 4662 4663 4664 4665
(LL) "Self-supporting securities" means securities or portions of securities issued for the purpose of paying costs of permanent improvements to the extent that receipts of the subdivision, other than the proceeds of taxes levied by that subdivision, derived from or with respect to the improvements or the operation of the improvements being financed, or the	4666 4667 4668 4669 4670 4671

enterprise, system, project, or category of improvements of which 4672  
the improvements being financed are part, are estimated by the 4673  
fiscal officer to be sufficient to pay the current expenses of 4674  
that operation or of those improvements or enterprise, system, 4675  
project, or categories of improvements and the debt charges 4676  
payable from those receipts on securities issued for the purpose. 4677  
Until such time as the improvements or increases in rates and 4678  
charges have been in operation or effect for a period of at least 4679  
six months, the receipts therefrom, for purposes of this 4680  
definition, shall be those estimated by the fiscal officer, except 4681  
that those receipts may include, without limitation, payments made 4682  
and to be made to the subdivision under leases or agreements in 4683  
effect at the time the estimate is made. In the case of an 4684  
operation, improvements, or enterprise, system, project, or 4685  
category of improvements without at least a six-month history of 4686  
receipts, the estimate of receipts by the fiscal officer, other 4687  
than those to be derived under leases and agreements then in 4688  
effect, shall be confirmed by the taxing authority. 4689

(MM) "Subdivision" means any of the following: 4690

(1) A county, including a county that has adopted a charter 4691  
under Article X, Ohio Constitution; 4692

(2) A municipal corporation, including a municipal 4693  
corporation that has adopted a charter under Article XVIII, Ohio 4694  
Constitution; 4695

(3) A school district; 4696

(4) A regional water and sewer district organized under 4697  
Chapter 6119. of the Revised Code; 4698

(5) A joint township hospital district organized under 4699  
section 513.07 of the Revised Code; 4700

(6) A joint ambulance district organized under section 505.71 4701  
of the Revised Code; 4702

(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;	4703 4704
(8) A detention facility district organized under section 2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;	4705 4706 4707 4708
(9) A township police district organized under section 505.48 of the Revised Code;	4709 4710
(10) A township;	4711
(11) A joint fire district organized under section 505.371 of the Revised Code;	4712 4713
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	4714 4715 4716
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	4717 4718
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	4719 4720
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	4721 4722
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	4723 4724
(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.	4725 4726 4727
(NN) "Taxing authority" means in the case of the following subdivisions:	4728 4729
(1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or	4730 4731

other legislative authority of a county that has adopted a charter 4732  
under Article X, Ohio Constitution, but with respect to such a 4733  
library district acting solely as agent for the board of trustees 4734  
of that district; 4735

(2) A municipal corporation, the legislative authority; 4736

(3) A school district, the board of education; 4737

(4) A regional water and sewer district, a joint ambulance 4738  
district, a joint recreation district, a fire and ambulance 4739  
district, or a joint fire district, the board of trustees of the 4740  
district; 4741

(5) A joint township hospital district, the joint township 4742  
hospital board; 4743

(6) A detention facility district or a district organized 4744  
under section 2151.65 of the Revised Code, a combined district 4745  
organized under sections 2152.41 and 2151.65 of the Revised Code, 4746  
or a joint emergency medical services district, the joint board of 4747  
county commissioners; 4748

(7) A township, a fire district organized under division (C) 4749  
of section 505.37 of the Revised Code, or a township police 4750  
district, the board of township trustees; 4751

(8) A joint solid waste management district organized under 4752  
section 343.01 or 343.012 of the Revised Code, the board of 4753  
directors of the district; 4754

(9) A subdivision described in division (MM)(17) of this 4755  
section, the legislative or governing body or official. 4756

(00) "Tax limitation" means the "ten-mill limitation" as 4757  
defined in section 5705.02 of the Revised Code without diminution 4758  
by reason of section 5705.313 of the Revised Code or otherwise, 4759  
or, in the case of a municipal corporation or county with a 4760  
different charter limitation on property taxes levied to pay debt 4761



charges on unvoted securities, that charter limitation. Those 4762  
limitations shall be respectively referred to as the "ten-mill 4763  
limitation" and the "charter tax limitation." 4764

(PP) "Tax valuation" means the aggregate of the valuations of 4765  
property subject to ad valorem property taxation by the 4766  
subdivision on the real property, personal property, and public 4767  
utility property tax lists and duplicates most recently certified 4768  
for collection, and shall be calculated without deductions of the 4769  
valuations of otherwise taxable property exempt in whole or in 4770  
part from taxation by reason of exemptions of certain amounts of 4771  
taxable value under division (C) of section 5709.01 ~~or, tax~~ 4772  
reductions under section 323.152 of the Revised Code, or similar 4773  
laws now or in the future in effect. 4774

For purposes of section 133.06 of the Revised Code, "tax 4775  
valuation" shall not include the valuation of tangible personal 4776  
property used in business, telephone or telegraph property, 4777  
interexchange telecommunications company property, or personal 4778  
property owned or leased by a railroad company and used in 4779  
railroad operations listed under or described in section 5711.22, 4780  
division (B) or (F) of section 5727.111, or section 5727.12 of the 4781  
Revised Code. 4782

(QQ) "Year" means the calendar year. 4783

(RR) "Administrative agent," "agent," "commercial paper," 4784  
"floating rate interest structure," "indexing agent," "interest 4785  
rate hedge," "interest rate period," "put arrangement," and 4786  
"remarketing agent" have the same meanings as in section 9.98 of 4787  
the Revised Code. 4788

(SS) "Sales tax supported" means obligations to the payment 4789  
of debt charges on which an additional sales tax or additional 4790  
sales taxes have been pledged by the taxing authority of a county 4791  
pursuant to section 133.081 of the Revised Code. 4792

Sec. 133.10. (A) In anticipation of the collection of current 4793  
property tax revenues in and for any fiscal year, the taxing 4794  
authority of any subdivision may issue securities, but the 4795  
aggregate principal amount of such securities shall not exceed 4796  
one-half of the amount that the budget commission estimates the 4797  
subdivision will receive from property taxes in that fiscal year 4798  
and prior to the last day of the sixth month following the month 4799  
in which the securities are issued, other than taxes to be 4800  
received for the payment of debt charges or allocated to debt 4801  
charges on securities issued pursuant to division (C) of this 4802  
section, and less all advances. When a partial, semiannual, or 4803  
final property tax settlement is delayed, securities may also be 4804  
issued in anticipation of the receipt of property taxes levied or 4805  
collected for debt charges to the extent necessary to meet such 4806  
debt charges but not in excess of such estimated receipts, less 4807  
all advances. The securities issued pursuant to this division (A) 4808  
shall mature not later than the last day of the sixth month 4809  
following the month in which the securities are issued and in any 4810  
case not later than the last day of the fiscal year in which they 4811  
are issued. 4812

(B) In anticipation of the collection of current revenues in 4813  
and for any fiscal year from any source or combination of sources, 4814  
including distributions of any federal or state moneys, other than 4815  
the proceeds of property taxes levied by the subdivision, the 4816  
taxing authority of any subdivision may issue securities, but the 4817  
aggregate principal amount of such securities shall not exceed 4818  
one-half of the amount estimated by the fiscal officer to be 4819  
received by the subdivision from such sources during the remainder 4820  
of such fiscal year, less advances and prior collections. 4821

(C) In anticipation of the collection of current property tax 4822  
revenues in and for any fiscal year, the taxing authority of a 4823  
county, municipal corporation, township, or school district may 4824

issue securities, but the aggregate principal amount of those 4825  
securities and of any securities issued pursuant to division (A) 4826  
of this section outstanding at the time of issuance shall not 4827  
exceed one-half of the amount that the budget commission estimates 4828  
the subdivision will receive from all property taxes that are to 4829  
be distributed to the subdivision from all settlements of taxes 4830  
that are to be made in the remainder of that fiscal year, other 4831  
than taxes to be received for the payment of debt charges, and 4832  
less all advances. 4833

(D) When the tax settlement scheduled under division (B) of 4834  
section 321.24 of the Revised Code is delayed pursuant to division 4835  
(E) of that section, the taxing authority of a school district may 4836  
issue property tax anticipation securities against the taxes to be 4837  
included in that settlement, but the aggregate principal amount of 4838  
all securities outstanding against those taxes shall not exceed 4839  
ninety per cent of the amount estimated to be received from that 4840  
settlement by the budget commission, other than taxes to be 4841  
received for the payment of debt charges, and less all advances. 4842  
The securities issued pursuant to this division (D) shall mature 4843  
on or before the next ensuing thirty-first day of August. 4844

(E) This division applies to all securities authorized by 4845  
this section. 4846

(1) The amounts from the sources anticipated needed to pay 4847  
debt charges and financing costs shall be considered appropriated 4848  
for that purpose, and other appropriations from those sources by 4849  
the taxing authority shall be limited to the balance available 4850  
after deducting the amount to pay those debt charges and financing 4851  
costs. The portions of those amounts as received and to be applied 4852  
to those debt charges shall be deposited and set aside in an 4853  
account for the purpose in the bond retirement fund in the amounts 4854  
and at the times required to pay those debt charges as provided 4855  
for by the authorizing legislation or otherwise provided by law. 4856

(2) Except as otherwise provided in division (H) of this 4857  
section, the securities shall not be issued prior to the first day 4858  
and, except as otherwise provided in divisions (A) and (D) of this 4859  
section, shall mature not later than the last day of the fiscal 4860  
year for which the revenues are anticipated. 4861

(3) The proceeds of the principal amount of the securities 4862  
shall be used only for the purposes for which the amounts 4863  
anticipated were levied, collected, distributed, and appropriated, 4864  
and for financing costs related to those securities. 4865

(4) Property taxes include distributions from the state in 4866  
payment of credits against or partial exemptions from, or 4867  
reduction of, property taxes. 4868

(5) If for any reason debt charges on securities authorized 4869  
by this section are not paid by the subdivision in the fiscal year 4870  
when due, the taxing authority of the subdivision shall include in 4871  
its next annual appropriation measure an amount sufficient to pay 4872  
those debt charges, and the county auditor and county treasurer 4873  
shall withhold, in a custodial account, amounts due the 4874  
subdivision from the sources anticipated until such amount is 4875  
accumulated by those officers and they directly pay or provide, 4876  
through the paying agent or otherwise, for the payment of those 4877  
debt charges. 4878

(F) The authority to issue securities under divisions (A) and 4879  
(B) of this section may be exercised by any board of library 4880  
trustees of a public library, or board of park commissioners of a 4881  
township, to which the budget commission has allotted a share of 4882  
the local ~~government~~ communities fund under section 5747.51 of the 4883  
Revised Code or of the ~~library and local government support~~ 4884  
libraries fund under section 5707.051 of the Revised Code. 4885

(G) The taxing authority of a school district issuing 4886  
securities under division (A), (C), or (D) of this section shall 4887

in the legislation authorizing the securities affirm the levy of, 4888  
or covenant to levy, the anticipated property taxes to be 4889  
collected in the following year. 4890

(H) The taxing authority of a school district may issue 4891  
securities authorized by this section on or after the tenth day 4892  
preceding the first day of the fiscal year for which the revenues 4893  
are anticipated; provided, that if the taxing authority of a 4894  
school district issues securities authorized by this section prior 4895  
to the first day of the fiscal year for which the revenues are 4896  
anticipated: 4897

(1) None of the proceeds received by the school district from 4898  
the sale of the securities shall be considered available for 4899  
appropriation prior to the first day of the fiscal year for which 4900  
the revenues are anticipated; and 4901

(2) None of the proceeds received by the school district from 4902  
the sale of the securities shall be expended prior to the first 4903  
day of the fiscal year for which the revenues are anticipated. 4904

**Sec. 133.25.** (A) After the issuance of general obligation 4905  
securities or of securities to which section 133.24 of the Revised 4906  
Code applies, the taxing authority of the subdivision shall 4907  
include in its annual tax budget, and levy a property tax in a 4908  
sufficient amount, with any other moneys available for the 4909  
purpose, to pay the debt charges on the securities payable from 4910  
property taxes. The necessary property tax rate shall be included 4911  
in the fiscal year tax budget that is certified by the subdivision 4912  
to the county budget commission, and, if within the ten-mill 4913  
limitation, shall be without diminution by reason of section 4914  
5705.313 of the Revised Code or any similar provisions. 4915

(B) If the taxing authority determines it to be necessary or 4916  
appropriate, and if not prohibited by other law, legislation 4917  
relating to Chapter 133. securities may, or that legislation may 4918

provide for proceedings that may, contain or provide for any one 4919  
or more or combination of the following: 4920

(1) The pledge to the payment of debt charges of, and related 4921  
covenants to levy, charge, collect, deposit, and apply, receipts 4922  
of the subdivision lawfully available for the purpose, referred to 4923  
in this division (B) as pledged receipts, including, without 4924  
limitation, ad valorem property taxes as permitted by law, income 4925  
taxes, excises, utility and service revenues, local ~~government~~ 4926  
communities fund, school foundation, and moneys described in 4927  
Section 5a of Article XII, Ohio Constitution, and any other 4928  
receipts from taxes, excises, permits, licenses, fines, or other 4929  
sources of revenue of or of revenue distributions to the 4930  
subdivision, and covenants for the establishment, investment, 4931  
segregation, and maintenance of any funds or reserves in 4932  
connection with the securities. No pledge or covenant may be made 4933  
that impairs the express contract rights of the holders of 4934  
outstanding securities of the subdivision. 4935

(2) Designation of a bank or trust company authorized to 4936  
exercise corporate trust powers in this state as a fiscal agent 4937  
for the securities, which fiscal agent may be a purchaser of any 4938  
securities and fiscal agent for any other securities of the 4939  
subdivision, and provision for the periodic deposit of pledged 4940  
receipts in one or more separate bank accounts, funds, or other 4941  
accounts established with the fiscal agent, including provision 4942  
for pledged receipts collected or paid by the state or another 4943  
subdivision to be transferred, by the appropriate officer of the 4944  
state or other subdivision having charge of the distribution of 4945  
the pledged receipts to the subdivision, directly to the fiscal 4946  
agent for such deposit, which officers shall transfer such pledged 4947  
receipts in accordance with this division and the legislation. The 4948  
fiscal agent shall disburse moneys so held in accordance with the 4949  
legislation, including the transfer of moneys to paying agents or 4950

to persons providing credit enhancement facilities at the times 4951  
and in the amounts required. Until needed for that purpose, and 4952  
subject to any limitations in the legislation, the fiscal agent 4953  
shall either deposit such moneys on behalf of the subdivision in 4954  
an institution that is eligible to become a public depository 4955  
pursuant to section 135.03 of the Revised Code or invest the 4956  
moneys on behalf of the subdivision in obligations that are under 4957  
applicable law lawful for the investment of the particular moneys. 4958  
Divisions (D), (E), and (G) of section 135.04 and sections 135.08 4959  
and 135.09 of the Revised Code do not apply to any such deposits 4960  
or investments. Amounts so held and received by a fiscal agent 4961  
shall be accounted for in the appropriate special funds of the 4962  
subdivision as if held in the treasury of the subdivision, and the 4963  
fiscal agent shall provide such information to the subdivision and 4964  
to the auditor of state as is necessary for the purpose. 4965

(3) Covenants of the subdivision and other provisions to 4966  
protect and safeguard the security and rights of the holders of 4967  
the securities and of the providers of any credit enhancement 4968  
facilities and provisions for defeasance, including, without 4969  
limiting the generality of the foregoing, such covenants and 4970  
provisions as to: 4971

(a) Establishment and maintenance of the funds to be held by 4972  
a fiscal agent as provided in this division, the times, amounts, 4973  
and levels for deposit to such funds, and the obligations in which 4974  
the proceeds of such funds may be invested pending their use, 4975  
subject to limitations on investment of public funds otherwise 4976  
provided for by law or charter or by the legislation; 4977

(b) The appointment, rights, powers, and duties of the fiscal 4978  
agent, and vesting in the fiscal agent all or any of those rights, 4979  
powers, and duties in trust; 4980

(c) Compliance with the provisions of this chapter and other 4981  
laws applicable to the payment of debt charges on securities of 4982

the subdivision, including Chapter 5705. of the Revised Code; 4983

(d) Conditions that would give rise to an event of default 4984  
under the terms of the legislation, and actions and remedies that 4985  
any fiscal agent may take or assert on behalf of the holders of 4986  
the securities. 4987

(4) As rights and remedies of the holders of securities, in 4988  
addition to any other rights and remedies under law, but subject 4989  
to the terms of the legislation and of any credit enhancement 4990  
facility, provision that if the subdivision defaults in the 4991  
payment of debt charges on the securities and such default 4992  
continues for a period of thirty days, or if the subdivision fails 4993  
or refuses to comply with the requirements of this chapter or the 4994  
applicable proceedings, or defaults in any contract made with the 4995  
holders of those securities, the holders of not less than 4996  
twenty-five per cent in principal amount of the outstanding 4997  
securities of that issue may appoint a trustee, who may be the 4998  
fiscal agent, to represent those holders for the purposes provided 4999  
in this division (B)(4). That trustee may, and upon written 5000  
request of the holders of not less than twenty-five per cent in 5001  
principal amount of those securities then outstanding shall, in 5002  
its own name exercise all or any of the powers of such holders 5003  
under division (B)(3) of this section and in addition may: 5004

(a) Bring action for payment of any debt charges then due on 5005  
the securities; 5006

(b) By mandamus or other action or proceeding enforce all 5007  
rights of the holders of the securities, including any right to 5008  
require the subdivision to assess, levy, charge, collect, and 5009  
apply pledged receipts adequate to carry out the provisions of the 5010  
legislation and any agreement with those holders and to perform 5011  
its duties under the legislation and this chapter; 5012

(c) Bring action upon the securities; 5013



(d) By action, require the subdivision to account as if it were the trustee of an express trust for the holders of the securities;

(e) By action, enjoin any acts or things that may be unlawful or in violation of the rights of the holders of those securities;

(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;

(2) In the case of default in payment of debt charges on their securities, commence an action upon their securities to require the subdivision to account as if it were the trustee of an express trust for those holders or to enjoin any acts or things that may be unlawful or in violation of the rights of those holders.

(D) The state pledges to and agrees with the holders of Chapter 133. securities that the state will not, by enacting any law or adopting any rule, repeal, revoke, repudiate, limit, alter, stay, suspend, or otherwise reduce, rescind, or impair the power or duty of a subdivision to exercise, perform, carry out, and fulfill its responsibilities or covenants under this chapter or legislation or agreements as to its Chapter 133. securities, including a credit enhancement facility, passed or entered into pursuant to this chapter, or repeal, revoke, repudiate, limit, alter, stay, suspend, or otherwise reduce, rescind, or impair the rights and remedies of any such holders fully to enforce such responsibilities, covenants, and agreements or to enforce the pledge and agreement of the state contained in this division, or otherwise exercise any sovereign power materially impairing or materially inconsistent with the provisions of such legislation, covenants, and agreements. The general assembly determines and declares that the provisions of this chapter and the powers and duties of subdivisions authorized and imposed under this chapter are proper, reasonable, and appropriate means by which the state

can and should exercise and has exercised its duties and powers 5077  
under the Ohio Constitution, and that those provisions are 5078  
necessary and in the public interest and a proper means to better 5079  
provide for the security for, and market reception for the 5080  
purchase of, those securities. This pledge and agreement shall be 5081  
of no force and effect as to securities that are not outstanding. 5082  
This pledge and agreement by the state may be temporarily 5083  
suspended upon the declaration of martial law in the subdivision 5084  
in the event of circumstances deriving directly out of a natural 5085  
disaster, such as an earthquake or major conflagration or flood 5086  
but not a snowstorm or civil disturbance, or out of military 5087  
invasions or civil insurrections, but not strikes or crises 5088  
created by financial or economic events. Payment for securities by 5089  
the original and subsequent holders shall be deemed conclusive 5090  
evidence of valuable consideration received by the state and 5091  
subdivision for this pledge and agreement, and any action by the 5092  
state contrary to or inconsistent with this division is void as 5093  
applied to those securities. The state hereby grants any such 5094  
benefited holder the right to sue the state and enforce this 5095  
pledge and agreement, and waives all rights of defense based on 5096  
sovereign immunity or sovereign power in such an action or suit, 5097  
it being expressly determined and declared that the continued 5098  
integrity of the contract of any such holder is essential to the 5099  
continued right of the subdivision to issue and pay debt charges 5100  
on securities as a subdivision of the state. Nothing in this 5101  
division requires the state to continue any particular level of 5102  
appropriations of moneys, or precludes the state from authorizing 5103  
the subdivision to exercise, or the subdivision from exercising, 5104  
subject to approval of the tax commissioner, any power provided by 5105  
law to seek application of laws then in effect under the 5106  
bankruptcy provisions of the United States Constitution but in any 5107  
case providing for debt charges as provided in section 133.36 of 5108  
the Revised Code, or to preclude the state from further exercise 5109

of any of its powers and responsibilities under the Ohio  
Constitution.

(E) Moneys and investments held by the subdivision or a  
paying agent or a fiscal agent, and all receipts of the  
subdivision, needed and allocated to payment of debt charges or  
payments by the subdivision under credit enhancement facilities,  
are property of the subdivision devoted to essential governmental  
purposes and accordingly shall not be applied to any purpose other  
than as provided in this chapter and in the legislation, and shall  
not be subject to any order, judgment, lien, execution,  
attachment, setoff, or counterclaim by any creditor or judgment  
creditor, as a result of a tort judgment or otherwise, of the  
subdivision other than the holders of the securities or the  
provider of the credit enhancement facility who are entitled  
thereto pursuant to this chapter and the legislation.

**Sec. 135.35.** (A) The investing authority shall deposit or  
invest any part or all of the county's inactive moneys and shall  
invest all of the money in the county ~~library and local government~~  
~~support~~ libraries fund when required by section 135.352 of the  
Revised Code. The following classifications of securities and  
obligations are eligible for such deposit or investment:

(1) United States treasury bills, notes, bonds, or any other  
obligation or security issued by the United States treasury, any  
other obligation guaranteed as to principal or interest by the  
United States, or any book entry, zero-coupon United States  
treasury security that is a direct obligation of the United  
States.

Nothing in the classification of eligible securities and  
obligations set forth in divisions (A)(2) to (11) of this section  
shall be construed to authorize any investment in stripped  
principal or interest obligations of such eligible securities and

obligations.	5141
(2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality, including but not limited to, the federal national mortgage association, federal home loan bank, federal farm credit bank, federal home loan mortgage corporation, government national mortgage association, and student loan marketing association. All federal agency securities shall be direct issuances of federal government agencies or instrumentalities.	5142 5143 5144 5145 5146 5147 5148 5149 5150
(3) Time certificates of deposit or savings or deposit accounts, including, but not limited to, passbook accounts, in any eligible institution mentioned in section 135.32 of the Revised Code;	5151 5152 5153 5154
(4) Bonds and other obligations of this state or the political subdivisions of this state, provided that such political subdivisions are located wholly or partly within the same county as the investing authority;	5155 5156 5157 5158
(5) No-load money market mutual funds consisting exclusively of obligations described in division (A)(1) or (2) of this section and repurchase agreements secured by such obligations, provided that investments in securities described in this division are made only through eligible institutions mentioned in section 135.32 of the Revised Code;	5159 5160 5161 5162 5163 5164
(6) The Ohio subdivision's fund as provided in section 135.45 of the Revised Code;	5165 5166
(7) Securities lending agreements with any eligible institution mentioned in section 135.32 of the Revised Code that is a member of the federal reserve system or federal home loan bank or with any recognized United States government securities dealer meeting the description in division (J)(1) of this section,	5167 5168 5169 5170 5171

under the terms of which agreements the investing authority lends 5172  
securities and the eligible institution or dealer agrees to 5173  
simultaneously exchange similar securities or cash, equal value 5174  
for equal value. 5175

Securities and cash received as collateral for a securities 5176  
lending agreement are not inactive moneys of the county or moneys 5177  
of a county ~~library and local government support libraries~~ fund. 5178  
The investment of cash collateral received pursuant to a 5179  
securities lending agreement may be invested only in instruments 5180  
specified by the investing authority in the written investment 5181  
policy described in division (K) of this section. 5182

(8) Up to twenty-five per cent of the county's total average 5183  
portfolio in either of the following investments: 5184

(a) Commercial paper notes issued by an entity that is 5185  
defined in division (D) of section 1705.01 of the Revised Code and 5186  
that has assets exceeding five hundred million dollars, to which 5187  
notes all of the following apply: 5188

(i) The notes are rated at the time of purchase in the 5189  
highest classification established by at least two nationally 5190  
recognized standard rating services. 5191

(ii) The aggregate value of the notes does not exceed ten per 5192  
cent of the aggregate value of the outstanding commercial paper of 5193  
the issuing corporation. 5194

(iii) The notes mature not later than two hundred seventy 5195  
days after purchase. 5196

(b) Bankers acceptances of banks that are insured by the 5197  
federal deposit insurance corporation and to which both of the 5198  
following apply: 5199

(i) The obligations are eligible for purchase by the federal 5200  
reserve system. 5201

(ii) The obligations mature not later than one hundred eighty 5202  
days after purchase. 5203

No investment shall be made pursuant to division (A)(8) of 5204  
this section unless the investing authority has completed 5205  
additional training for making the investments authorized by 5206  
division (A)(8) of this section. The type and amount of additional 5207  
training shall be approved by the auditor of state and may be 5208  
conducted by or provided under the supervision of the auditor of 5209  
state. 5210

(9) Up to fifteen per cent of the county's total average 5211  
portfolio in notes issued by corporations that are incorporated 5212  
under the laws of the United States and that are operating within 5213  
the United States, or by depository institutions that are doing 5214  
business under authority granted by the United States or any state 5215  
and that are operating within the United States, provided both of 5216  
the following apply: 5217

(a) The notes are rated in the second highest or higher 5218  
category by at least two nationally recognized standard rating 5219  
services at the time of purchase. 5220

(b) The notes mature not later than two years after purchase. 5221

(10) No-load money market mutual funds rated in the highest 5222  
category at the time of purchase by at least one nationally 5223  
recognized standard rating service and consisting exclusively of 5224  
obligations described in division (A)(1), (2), or (6) of section 5225  
135.143 of the Revised Code; 5226

(11) Debt interests rated at the time of purchase in the 5227  
three highest categories by two nationally recognized standard 5228  
rating services and issued by foreign nations diplomatically 5229  
recognized by the United States government. All interest and 5230  
principal shall be denominated and payable in United States funds. 5231  
The investments made under division (A)(11) of this section shall 5232

not exceed in the aggregate one per cent of a county's total 5233  
average portfolio. 5234

The investing authority shall invest under division (A)(11) 5235  
of this section in a debt interest issued by a foreign nation only 5236  
if the debt interest is backed by the full faith and credit of 5237  
that foreign nation, there is no prior history of default, and the 5238  
debt interest matures not later than five years after purchase. 5239  
For purposes of division (A)(11) of this section, a debt interest 5240  
is rated in the three highest categories by two nationally 5241  
recognized standard rating services if either the debt interest 5242  
itself or the issuer of the debt interest is rated, or is 5243  
implicitly rated, at the time of purchase in the three highest 5244  
categories by two nationally recognized standard rating services. 5245

(B) Nothing in the classifications of eligible obligations 5246  
and securities set forth in divisions (A)(1) to (11) of this 5247  
section shall be construed to authorize investment in a 5248  
derivative, and no investing authority shall invest any county 5249  
inactive moneys or any moneys in a county ~~library and~~ local 5250  
~~government support~~ libraries fund in a derivative. For purposes of 5251  
this division, "derivative" means a financial instrument or 5252  
contract or obligation whose value or return is based upon or 5253  
linked to another asset or index, or both, separate from the 5254  
financial instrument, contract, or obligation itself. Any 5255  
security, obligation, trust account, or other instrument that is 5256  
created from an issue of the United States treasury or is created 5257  
from an obligation of a federal agency or instrumentality or is 5258  
created from both is considered a derivative instrument. An 5259  
eligible investment described in this section with a variable 5260  
interest rate payment, based upon a single interest payment or 5261  
single index comprised of other eligible investments provided for 5262  
in division (A)(1) or (2) of this section, is not a derivative, 5263  
provided that such variable rate investment has a maximum maturity 5264



of two years. A treasury inflation-protected security shall not be 5265  
considered a derivative, provided the security matures not later 5266  
than five years after purchase. 5267

(C) Except as provided in division (D) of this section, any 5268  
investment made pursuant to this section must mature within five 5269  
years from the date of settlement, unless the investment is 5270  
matched to a specific obligation or debt of the county or to a 5271  
specific obligation or debt of a political subdivision of this 5272  
state located wholly or partly within the county, and the 5273  
investment is specifically approved by the investment advisory 5274  
committee. 5275

(D) The investing authority may also enter into a written 5276  
repurchase agreement with any eligible institution mentioned in 5277  
section 135.32 of the Revised Code or any eligible securities 5278  
dealer pursuant to division (J) of this section, under the terms 5279  
of which agreement the investing authority purchases and the 5280  
eligible institution or dealer agrees unconditionally to 5281  
repurchase any of the securities listed in divisions (B)(1) to 5282  
(5), except letters of credit described in division (B)(2), of 5283  
section 135.18 of the Revised Code. The market value of securities 5284  
subject to an overnight written repurchase agreement must exceed 5285  
the principal value of the overnight written repurchase agreement 5286  
by at least two per cent. A written repurchase agreement must 5287  
exceed the principal value of the overnight written repurchase 5288  
agreement, by at least two per cent. A written repurchase 5289  
agreement shall not exceed thirty days, and the market value of 5290  
securities subject to a written repurchase agreement must exceed 5291  
the principal value of the written repurchase agreement by at 5292  
least two per cent and be marked to market daily. All securities 5293  
purchased pursuant to this division shall be delivered into the 5294  
custody of the investing authority or the qualified custodian of 5295  
the investing authority or an agent designated by the investing 5296

authority. A written repurchase agreement with an eligible 5297  
securities dealer shall be transacted on a delivery versus payment 5298  
basis. The agreement shall contain the requirement that for each 5299  
transaction pursuant to the agreement the participating 5300  
institution shall provide all of the following information: 5301

(1) The par value of the securities; 5302

(2) The type, rate, and maturity date of the securities; 5303

(3) A numerical identifier generally accepted in the 5304  
securities industry that designates the securities. 5305

No investing authority shall enter into a written repurchase 5306  
agreement under the terms of which the investing authority agrees 5307  
to sell securities owned by the county to a purchaser and agrees 5308  
with that purchaser to unconditionally repurchase those 5309  
securities. 5310

(E) No investing authority shall make an investment under 5311  
this section, unless the investing authority, at the time of 5312  
making the investment, reasonably expects that the investment can 5313  
be held until its maturity. The investing authority's written 5314  
investment policy shall specify the conditions under which an 5315  
investment may be redeemed or sold prior to maturity. 5316

(F) No investing authority shall pay a county's inactive 5317  
moneys or moneys of a county ~~library and local government support~~ 5318  
libraries fund into a fund established by another subdivision, 5319  
treasurer, governing board, or investing authority, if that fund 5320  
was established by the subdivision, treasurer, governing board, or 5321  
investing authority for the purpose of investing or depositing the 5322  
public moneys of other subdivisions. This division does not apply 5323  
to the payment of public moneys into either of the following: 5324

(1) The Ohio subdivision's fund pursuant to division (A)(6) 5325  
of this section; 5326

(2) A fund created solely for the purpose of acquiring, 5327  
constructing, owning, leasing, or operating municipal utilities 5328  
pursuant to the authority provided under section 715.02 of the 5329  
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 5330

For purposes of division (F) of this section, "subdivision" 5331  
includes a county. 5332

(G) The use of leverage, in which the county uses its current 5333  
investment assets as collateral for the purpose of purchasing 5334  
other assets, is prohibited. The issuance of taxable notes for the 5335  
purpose of arbitrage is prohibited. Contracting to sell securities 5336  
not owned by the county, for the purpose of purchasing such 5337  
securities on the speculation that bond prices will decline, is 5338  
prohibited. 5339

(H) Any securities, certificates of deposit, deposit 5340  
accounts, or any other documents evidencing deposits or 5341  
investments made under authority of this section shall be issued 5342  
in the name of the county with the county treasurer or investing 5343  
authority as the designated payee. If any such deposits or 5344  
investments are registrable either as to principal or interest, or 5345  
both, they shall be registered in the name of the treasurer. 5346

(I) The investing authority shall be responsible for the 5347  
safekeeping of all documents evidencing a deposit or investment 5348  
acquired under this section, including, but not limited to, 5349  
safekeeping receipts evidencing securities deposited with a 5350  
qualified trustee, as provided in section 135.37 of the Revised 5351  
Code, and documents confirming the purchase of securities under 5352  
any repurchase agreement under this section shall be deposited 5353  
with a qualified trustee, provided, however, that the qualified 5354  
trustee shall be required to report to the investing authority, 5355  
auditor of state, or an authorized outside auditor at any time 5356  
upon request as to the identity, market value, and location of the 5357  
document evidencing each security, and that if the participating 5358

institution is a designated depository of the county for the 5359  
current period of designation, the securities that are the subject 5360  
of the repurchase agreement may be delivered to the treasurer or 5361  
held in trust by the participating institution on behalf of the 5362  
investing authority. 5363

Upon the expiration of the term of office of an investing 5364  
authority or in the event of a vacancy in the office for any 5365  
reason, the officer or the officer's legal representative shall 5366  
transfer and deliver to the officer's successor all documents 5367  
mentioned in this division for which the officer has been 5368  
responsible for safekeeping. For all such documents transferred 5369  
and delivered, the officer shall be credited with, and the 5370  
officer's successor shall be charged with, the amount of moneys 5371  
evidenced by such documents. 5372

(J)(1) All investments, except for investments in securities 5373  
described in divisions (A)(5) and (6) of this section, shall be 5374  
made only through a member of the national association of 5375  
securities dealers, through a bank, savings bank, or savings and 5376  
loan association regulated by the superintendent of financial 5377  
institutions, or through an institution regulated by the 5378  
comptroller of the currency, federal deposit insurance 5379  
corporation, or board of governors of the federal reserve system. 5380

(2) Payment for investments shall be made only upon the 5381  
delivery of securities representing such investments to the 5382  
treasurer, investing authority, or qualified trustee. If the 5383  
securities transferred are not represented by a certificate, 5384  
payment shall be made only upon receipt of confirmation of 5385  
transfer from the custodian by the treasurer, governing board, or 5386  
qualified trustee. 5387

(K)(1) Except as otherwise provided in division (K)(2) of 5388  
this section, no investing authority shall make an investment or 5389  
deposit under this section, unless there is on file with the 5390

auditor of state a written investment policy approved by the 5391  
investing authority. The policy shall require that all entities 5392  
conducting investment business with the investing authority shall 5393  
sign the investment policy of that investing authority. All 5394  
brokers, dealers, and financial institutions, described in 5395  
division (J)(1) of this section, initiating transactions with the 5396  
investing authority by giving advice or making investment 5397  
recommendations shall sign the investing authority's investment 5398  
policy thereby acknowledging their agreement to abide by the 5399  
policy's contents. All brokers, dealers, and financial 5400  
institutions, described in division (J)(1) of this section, 5401  
executing transactions initiated by the investing authority, 5402  
having read the policy's contents, shall sign the investment 5403  
policy thereby acknowledging their comprehension and receipt. 5404

(2) If a written investment policy described in division 5405  
(K)(1) of this section is not filed on behalf of the county with 5406  
the auditor of state, the investing authority of that county shall 5407  
invest the county's inactive moneys and moneys of the county 5408  
~~library and local government support libraries~~ fund only in time 5409  
certificates of deposits or savings or deposit accounts pursuant 5410  
to division (A)(3) of this section, no-load money market mutual 5411  
funds pursuant to division (A)(5) of this section, or the Ohio 5412  
subdivision's fund pursuant to division (A)(6) of this section. 5413

(L)(1) The investing authority shall establish and maintain 5414  
an inventory of all obligations and securities acquired by the 5415  
investing authority pursuant to this section. The inventory shall 5416  
include a description of each obligation or security, including 5417  
type, cost, par value, maturity date, settlement date, and any 5418  
coupon rate. 5419

(2) The investing authority shall also keep a complete record 5420  
of all purchases and sales of the obligations and securities made 5421  
pursuant to this section. 5422

(3) The investing authority shall maintain a monthly 5423  
portfolio report and issue a copy of the monthly portfolio report 5424  
describing such investments to the county investment advisory 5425  
committee, detailing the current inventory of all obligations and 5426  
securities, all transactions during the month that affected the 5427  
inventory, any income received from the obligations and 5428  
securities, and any investment expenses paid, and stating the 5429  
names of any persons effecting transactions on behalf of the 5430  
investing authority. 5431

(4) The monthly portfolio report shall be a public record and 5432  
available for inspection under section 149.43 of the Revised Code. 5433

(5) The inventory and the monthly portfolio report shall be 5434  
filed with the board of county commissioners. 5435

(M) An investing authority may enter into a written 5436  
investment or deposit agreement that includes a provision under 5437  
which the parties agree to submit to nonbinding arbitration to 5438  
settle any controversy that may arise out of the agreement, 5439  
including any controversy pertaining to losses of public moneys 5440  
resulting from investment or deposit. The arbitration provision 5441  
shall be set forth entirely in the agreement, and the agreement 5442  
shall include a conspicuous notice to the parties that any party 5443  
to the arbitration may apply to the court of common pleas of the 5444  
county in which the arbitration was held for an order to vacate, 5445  
modify, or correct the award. Any such party may also apply to the 5446  
court for an order to change venue to a court of common pleas 5447  
located more than one hundred miles from the county in which the 5448  
investing authority is located. 5449

For purposes of this division, "investment or deposit 5450  
agreement" means any agreement between an investing authority and 5451  
a person, under which agreement the person agrees to invest, 5452  
deposit, or otherwise manage, on behalf of the investing 5453  
authority, a county's inactive moneys or moneys in a county 5454

~~library and local government support libraries~~ fund, or agrees to 5455  
provide investment advice to the investing authority. 5456

(N) An investment held in the county portfolio on September 5457  
27, 1996, that was a legal investment under the law as it existed 5458  
before September 27, 1996, may be held until maturity, or if the 5459  
investment does not have a maturity date the investment may be 5460  
held until five years from September 27, 1996, regardless of 5461  
whether the investment would qualify as a legal investment under 5462  
the terms of this section as amended. 5463

**Sec. 135.352.** The investment authority shall invest all 5464  
moneys in the county ~~library and local government support~~ 5465  
libraries fund that are not distributed due to an appeal of the 5466  
budget commission's allocation of such fund. Interest earned on 5467  
such investments shall be credited to the fund and distributed in 5468  
accordance with section 5747.48 of the Revised Code. 5469

**Sec. 151.08.** This section applies to obligations as defined 5470  
in this section. 5471

(A) As used in this section: 5472

(1) "Capital facilities" or "capital improvement projects" 5473  
means the acquisition, construction, reconstruction, improvement, 5474  
planning, and equipping of roads and bridges, waste water 5475  
treatment systems, water supply systems, solid waste disposal 5476  
facilities, flood control systems, and storm water and sanitary 5477  
collection, storage, and treatment facilities, including real 5478  
property, interests in real property, facilities, and equipment 5479  
related or incidental to those facilities. 5480

(2) "Costs of capital facilities" include related direct 5481  
administrative expenses and allocable portions of direct costs of 5482  
the Ohio public works commission and the local subdivision. 5483

(3) "Local subdivision" means any county, municipal 5484

corporation, township, sanitary district, or regional water and sewer district. 5485  
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(4) "Obligations" means obligations as defined in section 151.01 of the Revised Code issued to pay costs of capital facilities. 5487  
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(B)(1) The issuing authority shall issue obligations to pay costs of financing or assisting in the financing of the capital improvement projects of local subdivisions pursuant to Section 2m of Article VIII, Ohio Constitution, section 151.01 of the Revised Code, and this section. Not more than one hundred twenty million dollars principal amount of obligations, plus the principal amount of obligations that in any prior fiscal years could have been, but were not, issued within that one-hundred-twenty-million dollar fiscal year limit, may be issued in any fiscal year. Not more than one billion two hundred million dollars principal amount of obligations pursuant to Section 2m of Article VIII, Ohio Constitution may be issued for the purposes of this section and division (B)(2) of section 164.09 of the Revised Code. 5490  
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(2) The issuing authority shall issue obligations to pay costs of financing or assisting in the financing of the capital improvement projects of local subdivisions pursuant to Section 2p of Article VIII, Ohio Constitution, section 151.01 of the Revised Code, and this section. Not more than one hundred twenty million dollars in principal amount of such obligations may be issued in any of the first five fiscal years of issuance and not more than one hundred fifty million dollars in principal amount of such obligations may be issued in any of the next five fiscal years, plus in each case the principal amount of such obligations that in any prior fiscal year could have been but were not issued within those fiscal year limits. No obligations shall be issued for the purposes of this section pursuant to Section 2p of Article VIII, Ohio Constitution, until at least one billion one hundred 5503  
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ninety-nine million five hundred thousand dollars aggregate 5517  
principal amount of obligations have been issued pursuant to 5518  
Section 2m of Article VIII, Ohio Constitution. Not more than one 5519  
billion three hundred fifty million dollars principal amount of 5520  
obligations may be issued pursuant to Section 2p of Article VIII, 5521  
Ohio Constitution for the purposes of this section. 5522

(C) Net proceeds of obligations shall be deposited into the 5523  
state capital improvements fund created by section 164.08 of the 5524  
Revised Code. 5525

(D) There is hereby created in the state treasury the "state 5526  
capital improvements bond service fund." All moneys received by 5527  
the state and required by the bond proceedings, consistent with 5528  
this section and section 151.01 of the Revised Code, to be 5529  
deposited, transferred, or credited to the bond service fund, and 5530  
all other moneys transferred or allocated to or received for the 5531  
purposes of that fund, shall be deposited and credited to the bond 5532  
service fund, subject to any applicable provisions of the bond 5533  
proceedings but without necessity for any act of appropriation. 5534  
During the period beginning with the date of the first issuance of 5535  
obligations and continuing during the time that any obligations 5536  
are outstanding in accordance with their terms, so long as moneys 5537  
in the bond service fund are insufficient to pay debt service when 5538  
due on those obligations payable from that fund (except the 5539  
principal amounts of bond anticipation notes payable from the 5540  
proceeds of renewal notes or bonds anticipated) and due in the 5541  
particular fiscal year, a sufficient amount of revenues of the 5542  
state is committed and, without necessity for further act of 5543  
appropriation, shall be paid to the bond service fund for the 5544  
purpose of paying that debt service when due. 5545

**Sec. 151.40.** (A) As used in this section: 5546

(1) "Bond proceedings" includes any trust agreements, and any 5547

amendments or supplements to them, as authorized by this section. 5548

(2) "Costs of revitalization projects" includes related 5549  
direct administrative expenses and allocable portions of the 5550  
direct costs of those projects of the department of development or 5551  
the environmental protection agency. 5552

(3) "Issuing authority" means the treasurer of state. 5553

(4) "Obligations" means obligations as defined in section 5554  
151.01 of the Revised Code issued to pay the costs of projects for 5555  
revitalization purposes as referred to in division (A)(2) of 5556  
Section 2o of Article VIII, Ohio Constitution. 5557

(5) "Pledged liquor profits" means all receipts of the state 5558  
representing the gross profit on the sale of spirituous liquor, as 5559  
referred to in division (B)(4) of section 4301.10 of the Revised 5560  
Code, after paying all costs and expenses of the division of 5561  
liquor control and providing an adequate working capital reserve 5562  
for the division of liquor control as provided in that division, 5563  
but excluding the sum required by the second paragraph of section 5564  
4301.12 of the Revised Code, as it was in effect on May 2, 1980, 5565  
to be paid into the state treasury. 5566

(6) "Pledged receipts" means, as and to the extent provided 5567  
in bond proceedings: 5568

(a) Pledged liquor profits. The pledge of pledged liquor 5569  
profits to obligations is subject to the priority of the pledge of 5570  
those profits to obligations issued and to be issued pursuant to 5571  
Chapter 166. of the Revised Code. 5572

(b) Moneys accruing to the state from the lease, sale, or 5573  
other disposition or use of revitalization projects or from the 5574  
repayment, including any interest, of loans or advances made from 5575  
net proceeds; 5576

(c) Accrued interest received from the sale of obligations; 5577

(d) Income from the investment of the special funds;	5578
(e) Any gifts, grants, donations, or pledges, and receipts therefrom, available for the payment of debt service;	5579 5580
(f) Additional or any other specific revenues or receipts lawfully available to be pledged, and pledged, pursuant to further authorization by the general assembly, to the payment of debt service.	5581 5582 5583 5584
(B)(1) The issuing authority shall issue obligations of the state to pay costs of revitalization projects pursuant to division (B)(2) of Section 20 of Article VIII, Ohio Constitution, section 151.01 of the Revised Code as applicable to this section, and this section. The issuing authority, upon the certification to it by the clean Ohio council of the amount of moneys needed in and for the purposes of the clean Ohio revitalization fund created by section 122.658 of the Revised Code, shall issue obligations in the amount determined by the issuing authority to be required for those purposes. Not more than two hundred million dollars principal amount of obligations issued under this section for revitalization purposes may be outstanding at any one time. Not more than fifty million dollars principal amount of obligations, plus the principal amount of obligations that in any prior fiscal year could have been, but were not issued within the fifty-million-dollar fiscal year limit, may be issued in any fiscal year.	5585 5586 5587 5588 5589 5590 5591 5592 5593 5594 5595 5596 5597 5598 5599 5600 5601
(2) The provisions and authorizations in section 151.01 of the Revised Code apply to the obligations and the bond proceedings except as otherwise provided or provided for in those obligations and bond proceedings.	5602 5603 5604 5605
(C) Net proceeds of obligations shall be deposited in the clean Ohio revitalization fund created in section 122.658 of the Revised Code.	5606 5607 5608

(D) There is hereby created the revitalization projects bond 5609  
service fund, which shall be in the custody of the treasurer of 5610  
state, but shall be separate and apart from and not a part of the 5611  
state treasury. All money received by the state and required by 5612  
the bond proceedings, consistent with section 151.01 of the 5613  
Revised Code and this section, to be deposited, transferred, or 5614  
credited to the bond service fund, and all other money transferred 5615  
or allocated to or received for the purposes of that fund, shall 5616  
be deposited and credited to the bond service fund, subject to any 5617  
applicable provisions of the bond proceedings, but without 5618  
necessity for any act of appropriation. During the period 5619  
beginning with the date of the first issuance of obligations and 5620  
continuing during the time that any obligations are outstanding in 5621  
accordance with their terms, so long as moneys in the bond service 5622  
fund are insufficient to pay debt service when due on those 5623  
obligations payable from that fund, except the principal amounts 5624  
of bond anticipation notes payable from the proceeds of renewal 5625  
notes or bonds anticipated, and due in the particular fiscal year, 5626  
a sufficient amount of pledged receipts is committed and, without 5627  
necessity for further act of appropriation, shall be paid to the 5628  
bond service fund for the purpose of paying that debt service when 5629  
due. 5630

(E) The issuing authority may pledge all, or such portion as 5631  
the issuing authority determines, of the pledged receipts to the 5632  
payment of the debt service charges on obligations issued under 5633  
this section, and for the establishment and maintenance of any 5634  
reserves, as provided in the bond proceedings, and make other 5635  
provisions in the bond proceedings with respect to pledged 5636  
receipts as authorized by this section, which provisions are 5637  
controlling notwithstanding any other provisions of law pertaining 5638  
to them. 5639

(F) The issuing authority may covenant in the bond 5640

proceedings, and such covenants shall be controlling 5641  
notwithstanding any other provision of law, that the state and 5642  
applicable officers and state agencies, including the general 5643  
assembly, so long as any obligations issued under this section are 5644  
outstanding, shall maintain statutory authority for and cause to 5645  
be charged and collected wholesale or retail prices for spirituous 5646  
liquor sold by the state or its agents so that the available 5647  
pledged receipts are sufficient in time and amount to meet debt 5648  
service payable from pledged liquor profits and for the 5649  
establishment and maintenance of any reserves and other 5650  
requirements provided for in the bond proceedings. 5651

(G) Obligations may be further secured, as determined by the 5652  
issuing authority, by a trust agreement between the state and a 5653  
corporate trustee, which may be any trust company or bank having 5654  
~~its principal~~ a place of business within the state. Any trust 5655  
agreement may contain the resolution or order authorizing the 5656  
issuance of the obligations, any provisions that may be contained 5657  
in any bond proceedings, and other provisions that are customary 5658  
or appropriate in an agreement of that type, including, but not 5659  
limited to: 5660

(1) Maintenance of each pledge, trust agreement, or other 5661  
instrument comprising part of the bond proceedings until the state 5662  
has fully paid or provided for the payment of debt service on the 5663  
obligations secured by it; 5664

(2) In the event of default in any payments required to be 5665  
made by the bond proceedings, enforcement of those payments or 5666  
agreements by mandamus, the appointment of a receiver, suit in 5667  
equity, action at law, or any combination of them; 5668

(3) The rights and remedies of the holders or owners of 5669  
obligations and of the trustee and provisions for protecting and 5670  
enforcing them, including limitations on rights of individual 5671  
holders and owners. 5672

(H) 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 service pursuant to the bond proceedings in accordance with this section, and each obligation shall bear on its face a statement to that effect.

**Sec. 152.31.** The Ohio building authority may construct and operate capital facilities for the housing of branches and agencies of state government, municipal corporations, counties, or other governmental entities, in any municipal corporation when the municipal corporation and the authority agree on a location and all of the following occur:

(A) Two or more of such agencies or governmental entities submit to the authority an application requesting the authority to construct and operate capital facilities and expressing their intent to become the initial tenants of the capital facilities and to thereby occupy all of its available office space;

(B) Any municipal corporation, county, township, or other governmental entities joining in the submission of an application pursuant to division (A) of this section further submits a lease committing it to occupy, for a period equal to the greater of twenty consecutive years from the date of initial occupancy or the term of any bonds issued by the authority for the capital facilities, the capital facilities that, through the application, it expressed its intent to initially occupy, and obligating it to

pay such rent as the authority determines to be appropriate. 5704  
Notwithstanding any other section of the Revised Code, any 5705  
governmental entity may enter into such a lease and any such lease 5706  
is legally sufficient to obligate the governmental entity for the 5707  
term stated therein. Any such lease shall constitute an agreement 5708  
described in division (E) of section 152.24 of the Revised Code. 5709

If rental payments required by a lease established pursuant 5710  
to this division are not paid in accordance with the provision of 5711  
such a lease, the funds which would otherwise be apportioned to 5712  
the lessees from the county undivided local ~~government~~ communities 5713  
fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, 5714  
shall be reduced by the amount of rent payable to the authority. 5715  
The county treasurer shall immediately pay the amount of such 5716  
reductions to the authority. 5717

All rents charged by the authority for occupancy of such a 5718  
capital facility shall be fixed and expended pursuant to section 5719  
152.16 of the Revised Code. Any lease with the department of 5720  
administrative services with respect to such a capital facility 5721  
may provide for rental payments that satisfy the requirements of 5722  
section 152.16 of the Revised Code, but the amount of any rentals 5723  
paid by other tenants in the capital facility pursuant to leases 5724  
with the authority shall be credited against such rental payments 5725  
of the department of administrative services. Any lease with the 5726  
department of administrative services or a using state agency may 5727  
provide for the payment of rental payments that satisfy the 5728  
requirements of section 152.16 of the Revised Code prior to 5729  
initial occupancy of such capital facility. In the process of 5730  
inviting bids and awarding contracts, the authority shall be 5731  
guided by the procedures set forth in sections 153.01 to 153.20 of 5732  
the Revised Code. Any provision of sections 152.21, 152.22, and 5733  
152.26 of the Revised Code that applies to capital facilities 5734  
described in section 152.19 of the Revised Code also applies to 5735

the capital facilities described in this section unless it is 5736  
inconsistent with this section. 5737

**Sec. 156.02.** The director of administrative services may 5738  
contract with an energy services company, contractor, architect, 5739  
professional engineer, or other person experienced in the design 5740  
and implementation of energy conservation measures for a report 5741  
containing an analysis and recommendations pertaining to the 5742  
implementation of energy conservation measures that would 5743  
significantly reduce energy consumption and operating costs in any 5744  
buildings owned by the state and, upon request of its board of 5745  
trustees or managing authority, any building owned by an 5746  
institution of higher education as defined in section 3345.12 of 5747  
the Revised Code. The report shall include estimates of all costs 5748  
of such measures, including the costs of design, engineering, 5749  
installation, maintenance, repairs, and debt service, and 5750  
estimates of the amounts by which energy consumption and operating 5751  
costs would be reduced. The cost of each report requested by the 5752  
board or managing authority of an institution of higher education 5753  
shall be paid by the institution of higher education. 5754

**Sec. 164.03.** For the purpose of allocating the funds made 5755  
available to finance public infrastructure capital improvement 5756  
projects of local subdivisions through the issuance of general 5757  
obligations of the state of Ohio pursuant to Section 2k ~~or~~, 2m, or 5758  
2p of Article VIII, Ohio Constitution, the state is divided into 5759  
the following districts: 5760

District one. Cuyahoga county shall constitute district one. 5761

District two. Hamilton county shall constitute district two. 5762

District three. Franklin county shall constitute district 5763  
three. 5764

District four. Montgomery county shall constitute district 5765



four.	5766
District five. Defiance, Erie, Fulton, Henry, Ottawa, Paulding, Sandusky, Williams, and Wood counties shall constitute district five.	5767 5768 5769
District six. Mahoning and Trumbull counties shall constitute district six.	5770 5771
District seven. Ashtabula, Geauga, Lake, and Portage counties shall constitute district seven.	5772 5773
District eight. Summit county shall constitute district eight.	5774 5775
District nine. Lorain, Huron, and Medina counties shall constitute district nine.	5776 5777
District ten. Butler, Clermont, Clinton, and Warren counties shall constitute district ten.	5778 5779
District eleven. Champaign, Clark, Darke, Greene, Madison, Miami, Preble, and Union counties shall constitute district eleven.	5780 5781 5782
District twelve. Lucas county shall constitute district twelve.	5783 5784
District thirteen. Allen, Auglaize, Hancock, Logan, Mercer, Putnam, Shelby, and Van Wert counties shall constitute district thirteen.	5785 5786 5787
District fourteen. Carroll, Columbiana, Coshocton, Guernsey, Harrison, Holmes, Jefferson, and Tuscarawas counties shall constitute district fourteen.	5788 5789 5790
District fifteen. Adams, Brown, Fayette, Gallia, Highland, Jackson, Lawrence, Pike, Ross, Scioto, and Vinton counties shall constitute district fifteen.	5791 5792 5793
District sixteen. Ashland, Crawford, Hardin, Marion,	5794

Richland, Seneca, Wayne, and Wyandot counties shall constitute 5795  
district sixteen. 5796

District seventeen. Delaware, Fairfield, Knox, Licking, 5797  
Morrow, and Pickaway counties shall constitute district seventeen. 5798

District eighteen. Athens, Belmont, Hocking, Meigs, Monroe, 5799  
Morgan, Muskingum, Noble, Perry, and Washington counties shall 5800  
constitute district eighteen. 5801

District nineteen. Stark county shall constitute district 5802  
nineteen. 5803

**Sec. 164.05.** (A) The director of the Ohio public works 5804  
commission shall do all of the following: 5805

(1) Approve requests for financial assistance from district 5806  
public works integrating committees and enter into agreements with 5807  
one or more local subdivisions to provide loans, grants, and local 5808  
debt support and credit enhancements for a capital improvement 5809  
project if the director determines that: 5810

(a) The project is an eligible project pursuant to this 5811  
chapter; 5812

(b) The financial assistance for the project has been 5813  
properly approved and requested by the district committee of the 5814  
district which includes the recipient of the loan or grant; 5815

(c) The amount of the financial assistance, when added to all 5816  
other financial assistance provided during the fiscal year for 5817  
projects within the district, does not exceed that district's 5818  
allocation of money from the state capital improvements fund for 5819  
that fiscal year; 5820

(d) The district committee has provided such documentation 5821  
and other evidence as the director may require that the district 5822  
committee has satisfied the requirements of section 164.06 or 5823  
164.14 of the Revised Code; 5824

(e) The portion of a district's annual allocation which the director approves in the form of loans and local debt support and credit enhancements for eligible projects is consistent with divisions (E) and (F) of this section.

(2) Authorize payments to local subdivisions or their contractors for costs incurred for capital improvement projects which have been approved pursuant to this chapter. All requests for payments shall be submitted to the director on forms and in accordance with procedures specified in rules adopted by the director pursuant to division (A)(4) of this section.

(3) Retain the services of or employ financial consultants, engineers, accountants, attorneys, and such other employees as the director determines are necessary to carry out the director's duties under this chapter and fix the compensation for their services;

(4) Adopt rules establishing the procedures for making applications, reviewing, approving, and rejecting projects for which assistance is authorized under this chapter, and any other rules needed to implement the provisions of this chapter. Such rules shall be adopted under Chapter 119. of the Revised Code.

(5) Provide information and other assistance to local subdivisions and district public works integrating committees in developing their requests for financial assistance for capital improvements under this chapter and encourage cooperation and coordination of requests and the development of multisubdivision and multidistrict projects in order to maximize the benefits that may be derived by districts from each year's allocation;

(6) Require local subdivisions, to the extent practicable, to use Ohio products, materials, services, and labor in connection with any capital improvement project financed in whole or in part under this chapter;

(7) Notify the director of budget and management of all approved projects, and supply all information necessary to track approved projects through the state accounting system;	5856 5857 5858
(8) Appoint the administrator of the Ohio small government capital improvements commission;	5859 5860
(9) Do all other acts, enter into contracts, and execute all instruments necessary or appropriate to carry out this chapter;	5861 5862
(10) Develop a standardized methodology for evaluating capital improvement needs which will be used by local subdivisions in preparing the plans required by division (C) of section 164.06 of the Revised Code. The director shall develop this methodology not later than July 1, 1991.	5863 5864 5865 5866 5867
(11) Establish a program to provide local subdivisions with technical assistance in preparing project applications. The program shall be designed to assist local subdivisions that lack the financial or technical resources to prepare project applications on their own.	5868 5869 5870 5871 5872
(B) When the director of the Ohio public works commission decides to conditionally approve or disapprove projects, the director's decisions and the reasons for which they are made shall be made in writing. These written decisions shall be conclusive for the purposes of the validity and enforceability of such determinations.	5873 5874 5875 5876 5877 5878
(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 chapter shall be such as the director determines to be appropriate. If any payments required by a loan agreement entered into pursuant to this chapter are not paid, the funds which would otherwise be apportioned to the local subdivision from the county undivided local <del>government</del> <u>communities</u>	5879 5880 5881 5882 5883 5884 5885 5886

fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, 5887  
may, at the direction of the director of the Ohio public works 5888  
commission, be reduced by the amount payable. The county treasurer 5889  
shall, at the direction of the director, pay the amount of such 5890  
reductions to the state capital improvements revolving loan fund. 5891  
The director may renegotiate a loan repayment schedule with a 5892  
local subdivision whose payments from the county undivided local 5893  
~~government~~ communities fund could be reduced pursuant to this 5894  
division, but such a renegotiation may occur only one time with 5895  
respect to any particular loan agreement. 5896

(D) Grants approved for the repair and replacement of 5897  
existing infrastructure pursuant to this chapter shall not exceed 5898  
ninety per cent of the estimated total cost of the capital 5899  
improvement project. Grants approved for new or expanded 5900  
infrastructure shall not exceed fifty per cent of the estimated 5901  
cost of the new or expansion elements of the capital improvement 5902  
project. A local subdivision share of the estimated cost of a 5903  
capital improvement may consist of any of the following: 5904

(1) The reasonable value, as determined by the director or 5905  
the administrator, of labor, materials, and equipment that will be 5906  
contributed by the local subdivision in performing the capital 5907  
improvement project; 5908

(2) Moneys received by the local subdivision in any form from 5909  
an authority, commission, or agency of the United States for use 5910  
in performing the capital improvement project; 5911

(3) Loans made to the local subdivision under this chapter; 5912

(4) Engineering costs incurred by the local subdivision in 5913  
performing engineering activities related to the project. 5914

A local subdivision share of the cost of a capital 5915  
improvement shall not include any amounts awarded to it from the 5916  
local transportation improvement program fund created in section 5917

164.14 of the Revised Code. 5918

(E) The following portion of a district public works 5919  
 integrating committee's annual allocation share pursuant to 5920  
 section 164.08 of the Revised Code may be awarded to subdivisions 5921  
 only in the form of interest-free, low-interest, market rate of 5922  
 interest, or blended-rate loans: 5923

YEAR IN WHICH	PORTION USED FOR	
MONEYS ARE ALLOCATED	LOANS	
Year 1	0%	5926
Year 2	0%	5927
Year 3	10%	5928
Year 4	12%	5929
Year 5	15%	5930
Year 6	20%	5931
Year 7, 8, 9, and 10	22%	5932

(F) The following portion of a district public works 5933  
 integrating committee's annual allocation pursuant to section 5934  
 164.08 of the Revised Code shall be awarded to subdivisions in the 5935  
 form of local debt supported and credit enhancements: 5936

YEAR IN WHICH	PORTIONS USED FOR	
MONEYS ARE ALLOCATED	LOCAL DEBT SUPPORT	
	AND CREDIT ENHANCEMENTS	
Year 1	0%	5940
Year 2	0%	5941
Year 3	3%	5942
Year 4	5%	5943
Year 5	5%	5944
Year 6	7%	5945
Year 7	7%	5946
Year 8	8%	5947
Year 9	8%	5948
Year 10	8%	5949

(G) For the period commencing on March 29, 1988 and ending on 5950  
 June 30, 1993, for the period commencing July 1, 1993, and ending 5951  
 June 30, 1999, and for each five-year period thereafter, the total 5952  
 amount of financial assistance awarded under sections 164.01 to 5953  
 164.08 of the Revised Code for capital improvement projects 5954  
 located wholly or partially within a county shall be equal to at 5955  
 least thirty per cent of the amount of what the county would have 5956  
 been allocated from the obligations authorized to be sold under 5957  
 this chapter during each period, if such amounts had been 5958  
 allocable to each county on a per capita basis. 5959

(H) The amount of the annual allocations made pursuant to 5960  
 divisions (B)(1) and (6) of section 164.08 of the Revised Code 5961  
 which can be used for new or expanded infrastructure is limited as 5962  
 follows: 5963

YEAR IN WHICH	PORTION WHICH MAY	
MONEYS ARE ALLOCATED	BE USED FOR NEW OR	
	EXPANSION INFRASTRUCTURE	
Year 1	5%	5967
Year 2	5%	5968
Year 3	10%	5969
Year 4	10%	5970
Year 5	10%	5971
Year 6	15%	5972
Year 7	15%	5973
Year 8	20%	5974
Year 9	20%	5975
Year 10 and each year		5976
thereafter	20%	5977

(I) The following portion of a district public works 5978  
 integrating committee's annual allocation share pursuant to 5979  
 section 164.08 of the Revised Code shall be awarded to 5980  
 subdivisions in the form of interest-free, low-interest, market 5981

rate of interest, or blended-rate loans, or local debt support and 5982  
credit enhancements: 5983

YEAR IN WHICH	PORTION USED FOR LOANS	
MONEYS ARE ALLOCATED	OR LOCAL DEBT SUPPORT	
	AND CREDIT ENHANCEMENTS	
Year 11 and each year		5987
thereafter	20%	5988

(J) No project shall be approved under this section unless 5989  
the project is designed to have a useful life of at least seven 5990  
years. In addition, the average useful life of all projects for 5991  
which grants or loans are awarded in each district during a 5992  
program year shall not be less than twenty years. 5993

**Sec. 164.051.** (A) The administrator of the Ohio small 5994  
government capital improvements commission shall review projects 5995  
submitted to ~~him~~ the administrator by subcommittees of district 5996  
public works integrating committees in accordance with section 5997  
164.06 of the Revised Code. If ~~he~~ the administrator determines 5998  
that a project satisfies the criteria of division (B) of that 5999  
section, while taking into consideration the special needs of 6000  
villages and townships, the administrator shall recommend to the 6001  
Ohio small government capital improvements commission that the 6002  
project be approved. If ~~he~~ the administrator determines that a 6003  
project should not be approved or that a decision on the project 6004  
should be delayed, such determinations and an explanation should 6005  
also be sent to the Ohio small government capital improvements 6006  
commission for final resolution. 6007

(B) With respect to projects which the Ohio small government 6008  
capital improvements commission approves, the administrator is 6009  
authorized to: 6010

(1) Enter into agreements to provide financial assistance in 6011  
the form of loans, grants, or local debt support and credit 6012



enhancements to villages or townships with populations in the 6013  
unincorporated areas of the township of less than five thousand; 6014

(2) Authorize payments to such villages or townships or their 6015  
contractors for the costs incurred for capital improvement 6016  
projects which have been approved in accordance with this chapter. 6017  
All requests for payments shall be submitted to the administrator 6018  
on forms and in accordance with procedures specified in rules 6019  
adopted pursuant to division (A)(4) of section 164.05 of the 6020  
Revised Code. 6021

(3) Notify the director of budget and management of all 6022  
approved projects, and supply all information necessary to track 6023  
the approved projects through the state accounting system. 6024

(4) Do all other acts and enter into contracts and execute 6025  
all instruments necessary or appropriate to carry out this 6026  
section. 6027

(C) Fees, charges, rates of interest, times of payment of 6028  
interest and principal, and other terms, conditions, and 6029  
provisions of and security for financial assistance provided 6030  
pursuant to the provisions of this section shall be such as the 6031  
administrator determines to be appropriate. If any payments 6032  
required by a loan agreement entered into pursuant to this section 6033  
are not paid, the funds which would otherwise be apportioned to 6034  
the local subdivision from the county undivided local ~~government~~ 6035  
communities fund, pursuant to sections 5747.51 to 5747.53 of the 6036  
Revised Code, may, at the direction of the Ohio small government 6037  
capital improvements commission, be reduced by the amount payable. 6038  
The county treasurer shall, at the direction of the commission, 6039  
pay the amount of such reductions to the state capital 6040  
improvements revolving loan fund. Subject to the approval of the 6041  
Ohio small government capital improvements commission, the 6042  
administrator may renegotiate a loan repayment schedule with a 6043  
local subdivision whose payments from the county undivided local 6044

~~government~~ communities fund could be reduced pursuant to this 6045  
division, but such a renegotiation may occur only one time with 6046  
respect to any particular loan agreement. 6047

**Sec. 164.08.** (A) Except as provided in sections 151.01 and 6048  
151.08 or section 164.09 of the Revised Code, the net proceeds of 6049  
obligations issued and sold by the treasurer of state pursuant to 6050  
section 164.09 of the Revised Code before September 30, 2000, or 6051  
pursuant to sections 151.01 and 151.08 of the Revised Code, for 6052  
the purpose of financing or assisting in the financing of the cost 6053  
of public infrastructure capital improvement projects of local 6054  
subdivisions, as provided for in Section ~~2k~~ 2m, or 2p of 6055  
Article VIII, Ohio Constitution, and this chapter, shall be paid 6056  
into the state capital improvements fund, which is hereby created 6057  
in the state treasury. Investment earnings on moneys in the fund 6058  
shall be credited to the fund. 6059

(B) Each program year the amount of obligations authorized by 6060  
the general assembly in accordance with sections 151.01 and 151.08 6061  
or section 164.09 of the Revised Code, excluding the proceeds of 6062  
refunding or renewal obligations, shall be allocated by the 6063  
director of the Ohio public works commission as follows: 6064

(1) First, twelve million dollars of the amount of 6065  
obligations authorized shall be allocated to provide financial 6066  
assistance to villages and to townships with populations in the 6067  
unincorporated areas of the township of less than five thousand 6068  
persons, for capital improvements in accordance with section 6069  
164.051 and division (D) of section 164.06 of the Revised Code. As 6070  
used in division (B)(1) of this section, "capital improvements" 6071  
includes resurfacing and improving roads. 6072

(2) Following the allocation required by division (B)(1) of 6073  
this section, the director may allocate two million five hundred 6074  
thousand dollars of the authorized obligations to provide 6075

financial assistance to local subdivisions for capital improvement 6076  
projects which in the judgment of the director of the Ohio public 6077  
works commission are necessary for the immediate preservation of 6078  
the health, safety, and welfare of the citizens of the local 6079  
subdivision requesting assistance. 6080

(3) For the second, third, fourth, and fifth years that 6081  
obligations are authorized and are available for allocation under 6082  
this chapter, one million dollars shall be allocated to the sewer 6083  
and water fund created in section 1525.11 of the Revised Code. 6084  
Money from this allocation shall be transferred to that fund when 6085  
needed to support specific payments from that fund. 6086

(4) For program years twelve and fourteen that obligations 6087  
are authorized and available for allocation under this chapter, 6088  
two million dollars each program year shall be allocated to the 6089  
small county capital improvement program for use in providing 6090  
financial assistance under division (F) of section 164.02 of the 6091  
Revised Code. 6092

(5) After the allocation required by division (B)(3) of this 6093  
section is made, the director shall determine the amount of the 6094  
remaining obligations authorized to be issued and sold that each 6095  
county would receive if such amounts were allocated on a per 6096  
capita basis each year. If a county's per capita share for the 6097  
year would be less than three hundred thousand dollars, the 6098  
director shall allocate to the district in which that county is 6099  
located an amount equal to the difference between three hundred 6100  
thousand dollars and the county's per capita share. 6101

(6) After making the allocation required by division (B)(5) 6102  
of this section, the director shall allocate the remaining amount 6103  
to each district on a per capita basis. 6104

(C)(1) There is hereby created in the state treasury the 6105  
state capital improvements revolving loan fund, into which shall 6106

be deposited all repayments of loans made to local subdivisions 6107  
for capital improvements pursuant to this chapter. Investment 6108  
earnings on moneys in the fund shall be credited to the fund. 6109

(2) There may also be deposited in the state capital 6110  
improvements revolving loan fund moneys obtained from federal or 6111  
private grants, or from other sources, which are to be used for 6112  
any of the purposes authorized by this chapter. Such moneys shall 6113  
be allocated each year in accordance with division (B)(6) of this 6114  
section. 6115

(3) Moneys deposited into the state capital improvements 6116  
revolving loan fund shall be used to make loans for the purpose of 6117  
financing or assisting in the financing of the cost of capital 6118  
improvement projects of local subdivisions. 6119

(4) Investment earnings credited to the state capital 6120  
improvements revolving loan fund that exceed the amounts required 6121  
to meet estimated federal arbitrage rebate requirements shall be 6122  
used to pay costs incurred by the public works commission in 6123  
administering this section. Investment earnings credited to the 6124  
state capital improvements revolving loan fund that exceed the 6125  
amounts required to pay for the administrative costs and estimated 6126  
rebate requirements shall be allocated to each district on a per 6127  
capita basis. 6128

(5) Each program year, loan repayments received and on 6129  
deposit in the state capital improvements revolving loan fund 6130  
shall be allocated as follows: 6131

(a) Each district public works integrating committee shall be 6132  
allocated an amount equal to the sum of all loan repayments made 6133  
to the state capital improvements revolving loan fund by local 6134  
subdivisions that are part of the district. Moneys not used in a 6135  
program year may be used in the next program year in the same 6136  
manner and for the same purpose as originally allocated. 6137

(b) Loan repayments made pursuant to projects approved under 6138  
division (B)(1) of this section shall be used to make loans in 6139  
accordance with section 164.051 and division (D) of section 164.06 6140  
of the Revised Code. Allocations for this purpose made pursuant to 6141  
division (C)(5) of this section shall be in addition to the 6142  
allocation provided in division (B)(1) of this section. 6143

(c) Loan repayments made pursuant to projects approved under 6144  
division (B)(2) of this section shall be used to make loans in 6145  
accordance with division (B)(2) of this section. Allocations for 6146  
this purpose made pursuant to division (C)(5) of this section 6147  
shall be in addition to the allocation provided in division (B)(2) 6148  
of this section. 6149

(d) Loans made from the state capital improvements revolving 6150  
loan fund shall not be limited in their usage by divisions (E), 6151  
(F), (G), (H), and (I) of section 164.05 of the Revised Code. 6152

(D) Investment earnings credited to the state capital 6153  
improvements fund that exceed the amounts required to meet 6154  
estimated federal arbitrage rebate requirements shall be used to 6155  
pay costs incurred by the public works commission in administering 6156  
sections 164.01 to 164.12 of the Revised Code. 6157

(E) The director of the Ohio public works commission shall 6158  
notify the director of budget and management of the amounts 6159  
allocated pursuant to this section and such information shall be 6160  
entered into the state accounting system. The director of budget 6161  
and management shall establish appropriation line items as needed 6162  
to track these allocations. 6163

(F) If the amount of a district's allocation in a program 6164  
year exceeds the amount of financial assistance approved for the 6165  
district by the commission for that year, the remaining portion of 6166  
the district's allocation shall be added to the district's 6167  
allocation pursuant to division (B) of this section for the next 6168

succeeding year for use in the same manner and for the same 6169  
purposes as it was originally allocated, except that any portion 6170  
of a district's allocation which was available for use on new or 6171  
expanded infrastructure pursuant to division (H) of section 164.05 6172  
of the Revised Code shall be available in succeeding years only 6173  
for the repair and replacement of existing infrastructure. 6174

(G) When an allocation based on population is made by the 6175  
director pursuant to division (B) of this section, the director 6176  
shall use the most recent decennial census statistics, and shall 6177  
not make any reallocations based upon a change in a district's 6178  
population. 6179

**Sec. 164.09.** (A) The issuer is authorized to issue and sell, 6180  
as provided in this section and in amounts from time to time 6181  
authorized by the general assembly, general obligations of this 6182  
state for the purpose of financing or assisting in the financing 6183  
of the costs of public infrastructure capital improvements for 6184  
local subdivisions. The full faith and credit, revenues, and 6185  
taxing power of the state are and shall be pledged to the timely 6186  
payment of bond service charges on outstanding obligations, all in 6187  
accordance with Section 2k or 2m of Article VIII, Ohio 6188  
Constitution and sections 164.09 to 164.12 of the Revised Code, 6189  
excluding from that pledge fees, excises, or taxes relating to the 6190  
registration, operation, or use of vehicles on the public 6191  
highways, or to fuels used for propelling those vehicles, and so 6192  
long as such obligations are outstanding there shall be levied and 6193  
collected excises and taxes, excluding those excepted above, in 6194  
amounts sufficient to pay the bond service charges on such 6195  
obligations and costs relating to credit facilities. 6196

(B)(1) The total principal amount of obligations issued 6197  
pursuant to Section 2k of Article VIII, Ohio Constitution shall 6198  
not exceed one billion two hundred million dollars, and not more 6199

than one hundred twenty million dollars in principal amount of 6200  
obligations may be issued in any calendar year, all determined as 6201  
provided in sections 164.09 to 164.12 of the Revised Code. 6202

(2) The total principal amount of obligations issued for the 6203  
purposes of this section pursuant to Section 2m of Article VIII, 6204  
Ohio Constitution, shall not exceed one billion two hundred 6205  
million dollars. Not more than one hundred twenty million dollars 6206  
in principal amount of such obligations, plus the principal amount 6207  
of such obligations that in any prior fiscal years could have been 6208  
but were not issued within the one-hundred-twenty-million-dollar 6209  
fiscal year limit, may be issued in any fiscal year. No 6210  
obligations shall be issued for the purposes of this section 6211  
pursuant to Section 2m of Article VIII, Ohio Constitution, until 6212  
at least one billion one hundred ninety-nine million five hundred 6213  
thousand dollars aggregate principal amount of obligations have 6214  
been issued pursuant to Section 2k of Article VIII, Ohio 6215  
Constitution. The amounts specified under division (B)(2) of this 6216  
section shall be determined as provided in sections 164.09 to 6217  
164.12 of the Revised Code. 6218

(C) Each issue of obligations shall be authorized by order of 6219  
the issuer. The bond proceedings shall provide for the principal 6220  
amount or maximum principal amount of obligations of an issue, and 6221  
shall provide for or authorize the manner or agency for 6222  
determining the principal maturity or maturities, not exceeding 6223  
the earlier of thirty years from the date of issuance of the 6224  
particular obligations or thirty years from the date the debt 6225  
represented by the particular obligations was originally 6226  
contracted, the interest rate or rates, the date of and the dates 6227  
of payment of interest on the obligations, their denominations, 6228  
and the establishment within or without the state of a place or 6229  
places of payment of bond service charges. Sections 9.96 and 9.98 6230  
to 9.983 of the Revised Code are applicable to the obligations. 6231

The purpose of the obligations may be stated in the bond 6232  
proceedings as "financing or assisting in the financing of local 6233  
subdivisions capital improvement projects." 6234

(D) The proceeds of the obligations, except for any portion 6235  
to be deposited in special funds, or in escrow funds for the 6236  
purpose of refunding outstanding obligations, all as may be 6237  
provided in the bond proceedings, shall be deposited to the state 6238  
capital improvements fund established by section 164.08 of the 6239  
Revised Code. 6240

(E) The issuer may appoint paying agents, bond registrars, 6241  
securities depositories, and transfer agents, and may retain the 6242  
services of financial advisers and accounting experts, and retain 6243  
or contract for the services of marketing, remarketing, indexing, 6244  
and administrative agents, other consultants, and independent 6245  
contractors, including printing services, as are necessary in the 6246  
issuer's judgment to carry out sections 164.01 to 164.12 of the 6247  
Revised Code. Financing costs are payable, as provided in the bond 6248  
proceedings, from the proceeds of the obligations, from special 6249  
funds, or from other moneys available for the purpose. 6250

(F) The bond proceedings, including any trust agreement, may 6251  
contain additional provisions customary or appropriate to the 6252  
financing or to the obligations or to particular obligations, 6253  
including but not limited to: 6254

(1) The redemption of obligations prior to maturity at the 6255  
option of the state or of the holder or upon the occurrence of 6256  
certain conditions at such price or prices and under such terms 6257  
and conditions as are provided in the bond proceedings; 6258

(2) The form of and other terms of the obligations; 6259

(3) The establishment, deposit, investment, and application 6260  
of special funds, and the safeguarding of moneys on hand or on 6261  
deposit, without regard to Chapter 131. or 135. of the Revised 6262



Code, but subject to any special provisions of this section with 6263  
respect to particular funds or moneys, and provided that any bank 6264  
or trust company that acts as a depository of any moneys in 6265  
special funds may furnish such indemnifying bonds or may pledge 6266  
such securities as required by the issuer; 6267

(4) Any or every provision of the bond proceedings binding 6268  
upon the issuer and such state agency or local subdivision, 6269  
officer, board, commission, authority, agency, department, or 6270  
other person or body as may from time to time have the authority 6271  
under law to take such actions as may be necessary to perform all 6272  
or any part of the duty required by such provision; 6273

(5) The maintenance of each pledge, any trust agreement, or 6274  
other instrument comprising part of the bond proceedings until the 6275  
state has fully paid or provided for the payment of the bond 6276  
service charges on the obligations or met other stated conditions; 6277

(6) In the event of default in any payments required to be 6278  
made by the bond proceedings, or any other agreement of the issuer 6279  
made as a part of a contract under which the obligations were 6280  
issued or secured, the enforcement of such payments or agreements 6281  
by mandamus, suit in equity, action at law, or any combination of 6282  
the foregoing; 6283

(7) The rights and remedies of the holders of obligations and 6284  
of the trustee under any trust agreement, and provisions for 6285  
protecting and enforcing them, including limitations on rights of 6286  
individual holders of obligations; 6287

(8) The replacement of any obligations that become mutilated 6288  
or are destroyed, lost, or stolen; 6289

(9) Provision for the funding, refunding, or advance 6290  
refunding or other provision for payment of obligations which will 6291  
then no longer be outstanding for purposes of this section or of 6292  
the bond proceedings; 6293

(10) Any provision that may be made in bond proceedings or a trust agreement, including provision for amendment of the bond proceedings;

(11) Such other provisions as the issuer determines, including limitations, conditions, or qualifications relating to any of the foregoing;

(12) Any other or additional agreements with the holders of the obligations relating to the obligations or the security for the obligations.

(G) The great seal of the state or a facsimile of that seal may be affixed to or printed on the obligations. The obligations requiring signature by the issuer shall be signed by or bear the facsimile signature of the issuer as provided in the bond proceedings. Any obligations may be signed by the person who, on the date of execution, is the authorized signer although on the date of such obligations such person was not the issuer. In case the person whose signature or a facsimile of whose signature appears on any obligation ceases to be the issuer before delivery of the obligation, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the person had remained the member until such delivery, and in case the seal to be affixed to or printed on obligations has been changed after the seal has been affixed to or a facsimile of the seal has been printed on the obligations, that seal or facsimile seal shall continue to be sufficient as to those obligations and obligations issued in substitution or exchange therefor.

(H) The obligations are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. Obligations may be issued in coupon or in fully registered form, or both, as the issuer determines. Provision may be made for the registration of any obligations with coupons attached as to principal alone or as

to both principal and interest, their exchange for obligations so 6326  
registered, and for the conversion or reconversion into 6327  
obligations with coupons attached of any obligations registered as 6328  
to both principal and interest, and for reasonable charges for 6329  
such registration, exchange, conversion, and reconversion. Pending 6330  
preparation of definitive obligations, the issuer may issue 6331  
interim receipts or certificates which shall be exchanged for such 6332  
definitive obligations. 6333

(I) Obligations may be sold at public sale or at private 6334  
sale, and at such price at, above, or below par, as determined by 6335  
the issuer in the bond proceedings. 6336

(J) In the discretion of the issuer, obligations may be 6337  
secured additionally by a trust agreement between the state and a 6338  
corporate trustee which may be any trust company or bank having 6339  
~~its principal~~ a place of business within the state. Any trust 6340  
agreement may contain the order authorizing the issuance of the 6341  
obligations, any provisions that may be contained in the bond 6342  
proceedings, and other provisions that are customary or 6343  
appropriate in an agreement of the type. 6344

(K) Except to the extent that their rights are restricted by 6345  
the bond proceedings, any holder of obligations, or a trustee 6346  
under the bond proceedings, may by any suitable form of legal 6347  
proceedings protect and enforce any rights under the laws of this 6348  
state or granted by the bond proceedings. Such rights include the 6349  
right to compel the performance of all duties of the issuer and 6350  
the state. Each duty of the issuer and the issuer's employees, and 6351  
of each state agency and local public entity and its officers, 6352  
members, or employees, undertaken pursuant to the bond 6353  
proceedings, is hereby established as a duty of the issuer, and of 6354  
each such agency, local subdivision, officer, member, or employee 6355  
having authority to perform such duty, specifically enjoined by 6356  
the law and resulting from an office, trust, or station within the 6357

meaning of section 2731.01 of the Revised Code. The persons who 6358  
are at the time the issuer, or the issuer's employees, are not 6359  
liable in their personal capacities on any obligations or any 6360  
agreements of or with the issuer relating to obligations or under 6361  
the bond proceedings. 6362

(L) Obligations are lawful investments for banks, societies 6363  
for savings, savings and loan associations, deposit guarantee 6364  
associations, trust companies, trustees, fiduciaries, insurance 6365  
companies, including domestic for life and domestic not for life, 6366  
trustees or other officers having charge of sinking and bond 6367  
retirement or other special funds of political subdivisions and 6368  
taxing districts of this state, the commissioners of the sinking 6369  
fund, the administrator of workers' compensation, the state 6370  
teachers retirement system, the public employees retirement 6371  
system, the school employees retirement system, and the Ohio 6372  
police and fire pension fund, notwithstanding any other provisions 6373  
of the Revised Code or rules adopted pursuant thereto by any state 6374  
agency with respect to investments by them, and are also 6375  
acceptable as security for the deposit of public moneys. 6376

(M) Unless otherwise provided in any applicable bond 6377  
proceedings, moneys to the credit of or in the special funds 6378  
established by or pursuant to this section may be invested by or 6379  
on behalf of the issuer only in notes, bonds, or other direct 6380  
obligations of the United States or of any agency or 6381  
instrumentality of the United States, in obligations of this state 6382  
or any political subdivision of this state, in certificates of 6383  
deposit of any national bank located in this state and any bank, 6384  
as defined in section 1101.01 of the Revised Code, subject to 6385  
inspection by the superintendent of financial institutions, in the 6386  
Ohio subdivision's fund established pursuant to section 135.45 of 6387  
the Revised Code, in no-front-end-load money market mutual funds 6388  
consisting exclusively of direct obligations of the United States 6389

or of an agency or instrumentality of the United States, and in 6390  
repurchase agreements, including those issued by any fiduciary, 6391  
secured by direct obligations of the United States or an agency or 6392  
instrumentality of the United States, and in collective investment 6393  
funds established in accordance with section 1111.14 of the 6394  
Revised Code and consisting exclusively of direct obligations of 6395  
the United States or of an agency or instrumentality of the United 6396  
States, notwithstanding division (A)(1)(c) of that section. The 6397  
income from investments shall be credited to such special funds or 6398  
otherwise as the issuer determines in the bond proceedings, and 6399  
the investments may be sold or exchanged at such times as the 6400  
issuer determines or authorizes. 6401

(N) Unless otherwise provided in any applicable bond 6402  
proceedings, moneys to the credit of or in a special fund shall be 6403  
disbursed on the order of the issuer, provided that no such order 6404  
is required for the payment from the bond service fund or other 6405  
special fund when due of bond service charges or required payments 6406  
under credit facilities. 6407

(O) The issuer may covenant in the bond proceedings, and any 6408  
such covenants shall be controlling notwithstanding any other 6409  
provision of law, that the state and the applicable officers and 6410  
agencies of the state, including the general assembly, so long as 6411  
any obligations are outstanding in accordance with their terms, 6412  
shall maintain statutory authority for and cause to be charged and 6413  
collected taxes, excises, and other receipts of the state so that 6414  
the receipts to the bond service fund shall be sufficient in 6415  
amounts to meet bond service charges and for the establishment and 6416  
maintenance of any reserves and other requirements, including 6417  
payment of financing costs, provided for in the bond proceedings. 6418

(P) The obligations, and the transfer of, and the interest 6419  
and other income from, including any profit made on the sale, 6420  
transfer, or other disposition of, the obligations shall at all 6421

times be free from taxation, direct or indirect, within the state. 6422

(Q) Unless a judicial action or proceeding challenging the 6423  
validity of obligations is commenced by personal service on the 6424  
treasurer of state prior to the initial delivery of an issue of 6425  
the obligations, the obligations of that issue and the bond 6426  
proceedings pertaining to that issue are incontestable and those 6427  
obligations shall be conclusively considered to be and to have 6428  
been issued, secured, payable, sold, executed, and delivered, and 6429  
the bond proceedings relating to them taken, in conformity with 6430  
law if all of the following apply to the obligations: 6431

(1) They state that they are issued under the provisions of 6432  
this section and comply on their face with those provisions; 6433

(2) They are issued within the limitations prescribed by this 6434  
section; 6435

(3) Their purchase price has been paid in full; 6436

(4) They state that all the bond proceedings were held in 6437  
compliance with law, which statement creates a conclusive 6438  
presumption that the bond proceedings were held in compliance with 6439  
all laws, including section 121.22 of the Revised Code, where 6440  
applicable, and rules. 6441

(R) This section applies only with respect to obligations 6442  
issued and delivered before September 30, 2000. 6443

**Sec. 166.08.** (A) As used in this chapter: 6444

(1) "Bond proceedings" means the resolution, order, trust 6445  
agreement, indenture, lease, and other agreements, amendments and 6446  
supplements to the foregoing, or any one or more or combination 6447  
thereof, authorizing or providing for the terms and conditions 6448  
applicable to, or providing for the security or liquidity of, 6449  
obligations issued pursuant to this section, and the provisions 6450  
contained in such obligations. 6451

(2) "Bond service charges" means principal, including 6452  
mandatory sinking fund requirements for retirement of obligations, 6453  
and interest, and redemption premium, if any, required to be paid 6454  
by the state on obligations. 6455

(3) "Bond service fund" means the applicable fund and 6456  
accounts therein created for and pledged to the payment of bond 6457  
service charges, which may be, or may be part of, the economic 6458  
development bond service fund created by division (S) of this 6459  
section including all moneys and investments, and earnings from 6460  
investments, credited and to be credited thereto. 6461

(4) "Issuing authority" means the treasurer of state, or the 6462  
officer who by law performs the functions of such officer. 6463

(5) "Obligations" means bonds, notes, or other evidence of 6464  
obligation including interest coupons pertaining thereto, issued 6465  
pursuant to this section. 6466

(6) "Pledged receipts" means all receipts of the state 6467  
representing the gross profit on the sale of spirituous liquor, as 6468  
referred to in division (B)(4) of section 4301.10 of the Revised 6469  
Code, after paying all costs and expenses of the division of 6470  
liquor control and providing an adequate working capital reserve 6471  
for the division of liquor control as provided in that division, 6472  
but excluding the sum required by the second paragraph of section 6473  
4301.12 of the Revised Code, as in effect on May 2, 1980, to be 6474  
paid into the state treasury; moneys accruing to the state from 6475  
the lease, sale, or other disposition, or use, of project 6476  
facilities, and from the repayment, including interest, of loans 6477  
made from proceeds received from the sale of obligations; accrued 6478  
interest received from the sale of obligations; income from the 6479  
investment of the special funds; and any gifts, grants, donations, 6480  
and pledges, and receipts therefrom, available for the payment of 6481  
bond service charges. 6482

(7) "Special funds" or "funds" means, except where the 6483  
context does not permit, the bond service fund, and any other 6484  
funds, including reserve funds, created under the bond 6485  
proceedings, and the economic development bond service fund 6486  
created by division (S) of this section to the extent provided in 6487  
the bond proceedings, including all moneys and investments, and 6488  
earnings from investment, credited and to be credited thereto. 6489

(B) Subject to the limitations provided in section 166.11 of 6490  
the Revised Code, the issuing authority, upon the certification by 6491  
the director of development to the issuing authority of the amount 6492  
of moneys or additional moneys needed in the facilities 6493  
establishment fund, the loan guarantee fund, the innovation Ohio 6494  
loan fund, the innovation Ohio loan guarantee fund, or the 6495  
research and development loan fund for the purpose of paying, or 6496  
making loans for, allowable costs from the facilities 6497  
establishment fund, allowable innovation costs from the innovation 6498  
Ohio loan fund, or allowable costs from the research and 6499  
development loan fund, or needed for capitalized interest, for 6500  
funding reserves, and for paying costs and expenses incurred in 6501  
connection with the issuance, carrying, securing, paying, 6502  
redeeming, or retirement of the obligations or any obligations 6503  
refunded thereby, including payment of costs and expenses relating 6504  
to letters of credit, lines of credit, insurance, put agreements, 6505  
standby purchase agreements, indexing, marketing, remarketing and 6506  
administrative arrangements, interest swap or hedging agreements, 6507  
and any other credit enhancement, liquidity, remarketing, renewal, 6508  
or refunding arrangements, all of which are authorized by this 6509  
section, or providing moneys for the loan guarantee fund or the 6510  
innovation Ohio loan guarantee fund, as provided in this chapter 6511  
or needed for the purposes of funds established in accordance with 6512  
or pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 6513  
122.561, 122.57, and 122.80 of the Revised Code which are within 6514  
the authorization of Section 13 of Article VIII, Ohio 6515



Constitution, shall issue obligations of the state under this 6516  
section in the required amount; provided that such obligations may 6517  
be issued to satisfy the covenants in contracts of guarantee made 6518  
under section 166.06 or 166.15 of the Revised Code, 6519  
notwithstanding limitations otherwise applicable to the issuance 6520  
of obligations under this section. The proceeds of such 6521  
obligations, except for the portion to be deposited in special 6522  
funds, including reserve funds, as may be provided in the bond 6523  
proceedings, shall as provided in the bond proceedings be 6524  
deposited by the director of development to the facilities 6525  
establishment fund, the loan guarantee fund, the innovation Ohio 6526  
loan guarantee fund, the innovation Ohio loan fund, or the 6527  
research and development loan fund. Bond proceedings for project 6528  
financing obligations may provide that the proceeds derived from 6529  
the issuance of such obligations shall be deposited into such fund 6530  
or funds provided for in the bond proceedings and, to the extent 6531  
provided for in the bond proceedings, such proceeds shall be 6532  
deemed to have been deposited into the facilities establishment 6533  
fund and transferred to such fund or funds. The issuing authority 6534  
may appoint trustees, paying agents, and transfer agents and may 6535  
retain the services of financial advisors, accounting experts, and 6536  
attorneys, and retain or contract for the services of marketing, 6537  
remarketing, indexing, and administrative agents, other 6538  
consultants, and independent contractors, including printing 6539  
services, as are necessary in the issuing authority's judgment to 6540  
carry out this section. The costs of such services are allowable 6541  
costs payable from the facilities establishment fund or the 6542  
research and development loan fund or allowable innovation costs 6543  
payable from the innovation Ohio loan fund. 6544

(C) The holders or owners of such obligations shall have no 6545  
right to have moneys raised by taxation obligated or pledged, and 6546  
moneys raised by taxation shall not be obligated or pledged, for 6547  
the payment of bond service charges. Such holders or owners shall 6548

have no rights to payment of bond service charges from any moneys 6549  
accruing to the state from the lease, sale, or other disposition, 6550  
or use, of project facilities, or from payment of the principal of 6551  
or interest on loans made, or fees charged for guarantees made, or 6552  
from any money or property received by the director, treasurer of 6553  
state, or the state under Chapter 122. of the Revised Code, or 6554  
from any other use of the proceeds of the sale of the obligations, 6555  
and no such moneys may be used for the payment of bond service 6556  
charges, except for accrued interest, capitalized interest, and 6557  
reserves funded from proceeds received upon the sale of the 6558  
obligations and except as otherwise expressly provided in the 6559  
applicable bond proceedings pursuant to written directions by the 6560  
director. The right of such holders and owners to payment of bond 6561  
service charges is limited to all or that portion of the pledged 6562  
receipts and those special funds pledged thereto pursuant to the 6563  
bond proceedings in accordance with this section, and each such 6564  
obligation shall bear on its face a statement to that effect. 6565

(D) Obligations shall be authorized by resolution or order of 6566  
the issuing authority and the bond proceedings shall provide for 6567  
the purpose thereof and the principal amount or amounts, and shall 6568  
provide for or authorize the manner or agency for determining the 6569  
principal maturity or maturities, not exceeding twenty-five years 6570  
from the date of issuance, the interest rate or rates or the 6571  
maximum interest rate, the date of the obligations and the dates 6572  
of payment of interest thereon, their denomination, and the 6573  
establishment within or without the state of a place or places of 6574  
payment of bond service charges. Sections 9.98 to 9.983 of the 6575  
Revised Code are applicable to obligations issued under this 6576  
section, subject to any applicable limitation under section 166.11 6577  
of the Revised Code. The purpose of such obligations may be stated 6578  
in the bond proceedings in terms describing the general purpose or 6579  
purposes to be served. The bond proceedings also shall provide, 6580  
subject to the provisions of any other applicable bond 6581

proceedings, for the pledge of all, or such part as the issuing 6582  
authority may determine, of the pledged receipts and the 6583  
applicable special fund or funds to the payment of bond service 6584  
charges, which pledges may be made either prior or subordinate to 6585  
other expenses, claims, or payments, and may be made to secure the 6586  
obligations on a parity with obligations theretofore or thereafter 6587  
issued, if and to the extent provided in the bond proceedings. The 6588  
pledged receipts and special funds so pledged and thereafter 6589  
received by the state are immediately subject to the lien of such 6590  
pledge without any physical delivery thereof or further act, and 6591  
the lien of any such pledges is valid and binding against all 6592  
parties having claims of any kind against the state or any 6593  
governmental agency of the state, irrespective of whether such 6594  
parties have notice thereof, and shall create a perfected security 6595  
interest for all purposes of Chapter 1309. of the Revised Code, 6596  
without the necessity for separation or delivery of funds or for 6597  
the filing or recording of the bond proceedings by which such 6598  
pledge is created or any certificate, statement or other document 6599  
with respect thereto; and the pledge of such pledged receipts and 6600  
special funds is effective and the money therefrom and thereof may 6601  
be applied to the purposes for which pledged without necessity for 6602  
any act of appropriation. Every pledge, and every covenant and 6603  
agreement made with respect thereto, made in the bond proceedings 6604  
may therein be extended to the benefit of the owners and holders 6605  
of obligations authorized by this section, and to any trustee 6606  
therefor, for the further security of the payment of the bond 6607  
service charges. 6608

(E) The bond proceedings may contain additional provisions as 6609  
to: 6610

(1) The redemption of obligations prior to maturity at the 6611  
option of the issuing authority at such price or prices and under 6612  
such terms and conditions as are provided in the bond proceedings; 6613

(2) Other terms of the obligations;	6614
(3) Limitations on the issuance of additional obligations;	6615
(4) The terms of any trust agreement or indenture securing the obligations or under which the same may be issued;	6616 6617
(5) The 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 chapter, with respect to particular funds or moneys, provided that any bank or trust company which acts as depository of any moneys in the special funds may furnish such indemnifying bonds or may pledge such securities as required by the issuing authority;	6618 6619 6620 6621 6622 6623 6624 6625
(6) Any or every provision of the bond proceedings being binding upon such 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;	6626 6627 6628 6629 6630
(7) Any provision that may be made in a trust agreement or indenture;	6631 6632
(8) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the obligations or the security therefor, including the assignment of mortgages or other security obtained or to be obtained for loans under section 122.43, 166.07, or 166.16 of the Revised Code.	6633 6634 6635 6636 6637
(F) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The obligations and any coupons pertaining to obligations shall be signed or bear the facsimile signature of the issuing authority. Any obligations or coupons may be executed by the person who, on the date of execution, is the proper issuing authority although on the date of such bonds or coupons such person was not the issuing	6638 6639 6640 6641 6642 6643 6644

authority. If the issuing authority whose signature or a facsimile 6645  
of whose signature appears on any such obligation or coupon ceases 6646  
to be the issuing authority before delivery thereof, such 6647  
signature or facsimile is nevertheless valid and sufficient for 6648  
all purposes as if the former issuing authority had remained the 6649  
issuing authority until such delivery; and if the seal to be 6650  
affixed to obligations has been changed after a facsimile of the 6651  
seal has been imprinted on such obligations, such facsimile seal 6652  
shall continue to be sufficient as to such obligations and 6653  
obligations issued in substitution or exchange therefor. 6654

(G) All obligations are negotiable instruments and securities 6655  
under Chapter 1308. of the Revised Code, subject to the provisions 6656  
of the bond proceedings as to registration. The obligations may be 6657  
issued in coupon or in registered form, or both, as the issuing 6658  
authority determines. Provision may be made for the registration 6659  
of any obligations with coupons attached thereto as to principal 6660  
alone or as to both principal and interest, their exchange for 6661  
obligations so registered, and for the conversion or reconversion 6662  
into obligations with coupons attached thereto of any obligations 6663  
registered as to both principal and interest, and for reasonable 6664  
charges for such registration, exchange, conversion, and 6665  
reconversion. 6666

(H) Obligations may be sold at public sale or at private 6667  
sale, as determined in the bond proceedings. 6668

Obligations issued to provide moneys for the loan guarantee 6669  
fund or the innovation Ohio loan guarantee fund may, as determined 6670  
by the issuing authority, be sold at private sale, and without 6671  
publication of a notice of sale. 6672

(I) Pending preparation of definitive obligations, the 6673  
issuing authority may issue interim receipts or certificates which 6674  
shall be exchanged for such definitive obligations. 6675

(J) In the discretion of the issuing authority, obligations 6676  
may be secured additionally by a trust agreement or indenture 6677  
between the issuing authority and a corporate trustee which may be 6678  
any trust company or bank having ~~its principal~~ a place of business 6679  
within the state. Any such agreement or indenture may contain the 6680  
resolution or order authorizing the issuance of the obligations, 6681  
any provisions that may be contained in any bond proceedings, and 6682  
other provisions which are customary or appropriate in an 6683  
agreement or indenture of such type, including, but not limited 6684  
to: 6685

(1) Maintenance of each pledge, trust agreement, indenture, 6686  
or other instrument comprising part of the bond proceedings until 6687  
the state has fully paid the bond service charges on the 6688  
obligations secured thereby, or provision therefor has been made; 6689

(2) In the event of default in any payments required to be 6690  
made by the bond proceedings, or any other agreement of the 6691  
issuing authority made as a part of the contract under which the 6692  
obligations were issued, enforcement of such payments or agreement 6693  
by mandamus, the appointment of a receiver, suit in equity, action 6694  
at law, or any combination of the foregoing; 6695

(3) The rights and remedies of the holders of obligations and 6696  
of the trustee, and provisions for protecting and enforcing them, 6697  
including limitations on rights of individual holders of 6698  
obligations; 6699

(4) The replacement of any obligations that become mutilated 6700  
or are destroyed, lost, or stolen; 6701

(5) Such other provisions as the trustee and the issuing 6702  
authority agree upon, including limitations, conditions, or 6703  
qualifications relating to any of the foregoing. 6704

(K) Any holders of obligations or trustees under the bond 6705  
proceedings, except to the extent that their rights are restricted 6706

by the bond proceedings, may by any suitable form of legal 6707  
proceedings, protect and enforce any rights under the laws of this 6708  
state or granted by such bond proceedings. Such rights include the 6709  
right to compel the performance of all duties of the issuing 6710  
authority, the director of development, or the division of liquor 6711  
control required by this chapter or the bond proceedings; to 6712  
enjoin unlawful activities; and in the event of default with 6713  
respect to the payment of any bond service charges on any 6714  
obligations or in the performance of any covenant or agreement on 6715  
the part of the issuing authority, the director of development, or 6716  
the division of liquor control in the bond proceedings, to apply 6717  
to a court having jurisdiction of the cause to appoint a receiver 6718  
to receive and administer the pledged receipts and special funds, 6719  
other than those in the custody of the treasurer of state, which 6720  
are pledged to the payment of the bond service charges on such 6721  
obligations or which are the subject of the covenant or agreement, 6722  
with full power to pay, and to provide for payment of bond service 6723  
charges on, such obligations, and with such powers, subject to the 6724  
direction of the court, as are accorded receivers in general 6725  
equity cases, excluding any power to pledge additional revenues or 6726  
receipts or other income or moneys of the issuing authority or the 6727  
state or governmental agencies of the state to the payment of such 6728  
principal and interest and excluding the power to take possession 6729  
of, mortgage, or cause the sale or otherwise dispose of any 6730  
project facilities. 6731

Each duty of the issuing authority and the issuing 6732  
authority's officers and employees, and of each governmental 6733  
agency and its officers, members, or employees, undertaken 6734  
pursuant to the bond proceedings or any agreement or lease, 6735  
lease-purchase agreement, or loan made under authority of this 6736  
chapter, and in every agreement by or with the issuing authority, 6737  
is hereby established as a duty of the issuing authority, and of 6738  
each such officer, member, or employee having authority to perform 6739

such duty, specifically enjoined by the law resulting from an 6740  
office, trust, or station within the meaning of section 2731.01 of 6741  
the Revised Code. 6742

The person who is at the time the issuing authority, or the 6743  
issuing authority's officers or employees, are not liable in their 6744  
personal capacities on any obligations issued by the issuing 6745  
authority or any agreements of or with the issuing authority. 6746

(L) The issuing authority may authorize and issue obligations 6747  
for the refunding, including funding and retirement, and advance 6748  
refunding with or without payment or redemption prior to maturity, 6749  
of any obligations previously issued by the issuing authority. 6750  
Such obligations may be issued in amounts sufficient for payment 6751  
of the principal amount of the prior obligations, any redemption 6752  
premiums thereon, principal maturities of any such obligations 6753  
maturing prior to the redemption of the remaining obligations on a 6754  
parity therewith, interest accrued or to accrue to the maturity 6755  
dates or dates of redemption of such obligations, and any 6756  
allowable costs including expenses incurred or to be incurred in 6757  
connection with such issuance and such refunding, funding, and 6758  
retirement. Subject to the bond proceedings therefor, the portion 6759  
of proceeds of the sale of obligations issued under this division 6760  
to be applied to bond service charges on the prior obligations 6761  
shall be credited to an appropriate account held by the trustee 6762  
for such prior or new obligations or to the appropriate account in 6763  
the bond service fund for such obligations. Obligations authorized 6764  
under this division shall be deemed to be issued for those 6765  
purposes for which such prior obligations were issued and are 6766  
subject to the provisions of this section pertaining to other 6767  
obligations, except as otherwise provided in this section; 6768  
provided that, unless otherwise authorized by the general 6769  
assembly, any limitations imposed by the general assembly pursuant 6770  
to this section with respect to bond service charges applicable to 6771



the prior obligations shall be applicable to the obligations 6772  
issued under this division to refund, fund, advance refund or 6773  
retire such prior obligations. 6774

(M) The authority to issue obligations under this section 6775  
includes authority to issue obligations in the form of bond 6776  
anticipation notes and to renew the same from time to time by the 6777  
issuance of new notes. The holders of such notes or interest 6778  
coupons pertaining thereto shall have a right to be paid solely 6779  
from the pledged receipts and special funds that may be pledged to 6780  
the payment of the bonds anticipated, or from the proceeds of such 6781  
bonds or renewal notes, or both, as the issuing authority provides 6782  
in the resolution or order authorizing such notes. Such notes may 6783  
be additionally secured by covenants of the issuing authority to 6784  
the effect that the issuing authority and the state will do such 6785  
or all things necessary for the issuance of such bonds or renewal 6786  
notes in appropriate amount, and apply the proceeds thereof to the 6787  
extent necessary, to make full payment of the principal of and 6788  
interest on such notes at the time or times contemplated, as 6789  
provided in such resolution or order. For such purpose, the 6790  
issuing authority may issue bonds or renewal notes in such 6791  
principal amount and upon such terms as may be necessary to 6792  
provide funds to pay when required the principal of and interest 6793  
on such notes, notwithstanding any limitations prescribed by or 6794  
for purposes of this section. Subject to this division, all 6795  
provisions for and references to obligations in this section are 6796  
applicable to notes authorized under this division. 6797

The issuing authority in the bond proceedings authorizing the 6798  
issuance of bond anticipation notes shall set forth for such bonds 6799  
an estimated interest rate and a schedule of principal payments 6800  
for such bonds and the annual maturity dates thereof, and for 6801  
purposes of any limitation on bond service charges prescribed 6802  
under division (A) of section 166.11 of the Revised Code, the 6803

amount of bond service charges on such bond anticipation notes is 6804  
deemed to be the bond service charges for the bonds anticipated 6805  
thereby as set forth in the bond proceedings applicable to such 6806  
notes, but this provision does not modify any authority in this 6807  
section to pledge receipts and special funds to, and covenant to 6808  
issue bonds to fund, the payment of principal of and interest and 6809  
any premium on such notes. 6810

(N) Obligations issued under this section are lawful 6811  
investments for banks, societies for savings, savings and loan 6812  
associations, deposit guarantee associations, trust companies, 6813  
trustees, fiduciaries, insurance companies, including domestic for 6814  
life and domestic not for life, trustees or other officers having 6815  
charge of sinking and bond retirement or other special funds of 6816  
political subdivisions and taxing districts of this state, the 6817  
commissioners of the sinking fund of the state, the administrator 6818  
of workers' compensation, the state teachers retirement system, 6819  
the public employees retirement system, the school employees 6820  
retirement system, and the Ohio police and fire pension fund, 6821  
notwithstanding any other provisions of the Revised Code or rules 6822  
adopted pursuant thereto by any governmental agency of the state 6823  
with respect to investments by them, and are also acceptable as 6824  
security for the deposit of public moneys. 6825

(O) Unless otherwise provided in any applicable bond 6826  
proceedings, moneys to the credit of or in the special funds 6827  
established by or pursuant to this section may be invested by or 6828  
on behalf of the issuing authority only in notes, bonds, or other 6829  
obligations of the United States, or of any agency or 6830  
instrumentality of the United States, obligations guaranteed as to 6831  
principal and interest by the United States, obligations of this 6832  
state or any political subdivision of this state, and certificates 6833  
of deposit of any national bank located in this state and any 6834  
bank, as defined in section 1101.01 of the Revised Code, subject 6835

to inspection by the superintendent of banks. If the law or the 6836  
instrument creating a trust pursuant to division (J) of this 6837  
section expressly permits investment in direct obligations of the 6838  
United States or an agency of the United States, unless expressly 6839  
prohibited by the instrument, such moneys also may be invested in 6840  
no-front-end-load money market mutual funds consisting exclusively 6841  
of obligations of the United States or an agency of the United 6842  
States and in repurchase agreements, including those issued by the 6843  
fiduciary itself, secured by obligations of the United States or 6844  
an agency of the United States; and in common trust funds 6845  
established in accordance with section 1111.20 of the Revised Code 6846  
and consisting exclusively of any such securities, notwithstanding 6847  
division (A)(4) of that section. The income from such investments 6848  
shall be credited to such funds as the issuing authority 6849  
determines, and such investments may be sold at such times as the 6850  
issuing authority determines or authorizes. 6851

(P) Provision may be made in the applicable bond proceedings 6852  
for the establishment of separate accounts in the bond service 6853  
fund and for the application of such accounts only to the 6854  
specified bond service charges on obligations pertinent to such 6855  
accounts and bond service fund and for other accounts therein 6856  
within the general purposes of such fund. Unless otherwise 6857  
provided in any applicable bond proceedings, moneys to the credit 6858  
of or in the several special funds established pursuant to this 6859  
section shall be disbursed on the order of the treasurer of state, 6860  
provided that no such order is required for the payment from the 6861  
bond service fund when due of bond service charges on obligations. 6862

(Q) The issuing authority may pledge all, or such portion as 6863  
the issuing authority determines, of the pledged receipts to the 6864  
payment of bond service charges on obligations issued under this 6865  
section, and for the establishment and maintenance of any 6866  
reserves, as provided in the bond proceedings, and make other 6867

provisions therein with respect to pledged receipts as authorized 6868  
by this chapter, which provisions are controlling notwithstanding 6869  
any other provisions of law pertaining thereto. 6870

(R) The issuing authority may covenant in the bond 6871  
proceedings, and any such covenants are controlling 6872  
notwithstanding any other provision of law, that the state and 6873  
applicable officers and governmental agencies of the state, 6874  
including the general assembly, so long as any obligations are 6875  
outstanding, shall: 6876

(1) Maintain statutory authority for and cause to be charged 6877  
and collected wholesale and retail prices for spirituous liquor 6878  
sold by the state or its agents so that the pledged receipts are 6879  
sufficient in amount to meet bond service charges, and the 6880  
establishment and maintenance of any reserves and other 6881  
requirements provided for in the bond proceedings, and, as 6882  
necessary, to meet covenants contained in contracts of guarantee 6883  
made under section 166.06 of the Revised Code; 6884

(2) Take or permit no action, by statute or otherwise, that 6885  
would impair the exemption from federal income taxation of the 6886  
interest on the obligations. 6887

(S) There is hereby created the economic development bond 6888  
service fund, which shall be in the custody of the treasurer of 6889  
state but shall be separate and apart from and not a part of the 6890  
state treasury. All moneys received by or on account of the 6891  
issuing authority or state agencies and required by the applicable 6892  
bond proceedings, consistent with this section, to be deposited, 6893  
transferred, or credited to a bond service fund or the economic 6894  
development bond service fund, and all other moneys transferred or 6895  
allocated to or received for the purposes of the fund, shall be 6896  
deposited and credited to such fund and to any separate accounts 6897  
therein, subject to applicable provisions of the bond proceedings, 6898  
but without necessity for any act of appropriation. During the 6899

period beginning with the date of the first issuance of 6900  
obligations and continuing during such time as any such 6901  
obligations are outstanding, and so long as moneys in the 6902  
pertinent bond service funds are insufficient to pay all bond 6903  
services charges on such obligations becoming due in each year, a 6904  
sufficient amount of the gross profit on the sale of spirituous 6905  
liquor included in pledged receipts are committed and shall be 6906  
paid to the bond service fund or economic development bond service 6907  
fund in each year for the purpose of paying the bond service 6908  
charges becoming due in that year without necessity for further 6909  
act of appropriation for such purpose and notwithstanding anything 6910  
to the contrary in Chapter 4301. of the Revised Code. The economic 6911  
development bond service fund is a trust fund and is hereby 6912  
pledged to the payment of bond service charges to the extent 6913  
provided in the applicable bond proceedings, and payment thereof 6914  
from such fund shall be made or provided for by the treasurer of 6915  
state in accordance with such bond proceedings without necessity 6916  
for any act of appropriation. 6917

(T) The obligations, the transfer thereof, and the income 6918  
therefrom, including any profit made on the sale thereof, shall at 6919  
all times be free from taxation within the state. 6920

**Sec. 173.04.** (A) As used in this section, "respite care" 6921  
means short-term, temporary care or supervision provided to a 6922  
person who has Alzheimer's disease in the absence of the person 6923  
who normally provides that care or supervision. 6924

(B) ~~The~~ Through the internet web site maintained by the 6925  
department of aging, the director of aging shall develop and 6926  
disseminate new training materials or disseminate existing 6927  
Alzheimer's disease training materials for licensed physicians, 6928  
registered nurses, licensed practical nurses, administrators of 6929  
health care programs, social workers, and other health care and 6930

social service personnel who participate or assist in the care or 6931  
treatment of persons who have Alzheimer's disease. The training 6932  
materials disseminated through the web site may be developed by 6933  
the director or obtained from other sources. 6934

(C) To the extent funds are available, the director shall 6935  
administer respite care programs and other supportive services for 6936  
persons who have Alzheimer's disease and their families or care 6937  
givers. Respite care programs shall be approved by the director 6938  
and shall be provided for the following purposes: 6939

(1) Giving persons who normally provide care or supervision 6940  
for a person who has Alzheimer's disease relief from the stresses 6941  
and responsibilities that result from providing such care; 6942

(2) Preventing or reducing inappropriate institutional care 6943  
and enabling persons who have Alzheimer's disease to remain at 6944  
home as long as possible. 6945

(D) The director may provide services under this section to 6946  
persons with Alzheimer's disease and their families regardless of 6947  
the age of the persons with Alzheimer's disease. 6948

(E) The director shall adopt rules in accordance with Chapter 6949  
119. of the Revised Code governing respite care programs and other 6950  
supportive services, the distribution of funds, and the purpose 6951  
for which funds may be utilized under this section. 6952

(F) The director may create an Alzheimer's disease task force 6953  
to advise the director on the rights of persons with Alzheimer's 6954  
disease and on the development and evaluation of education and 6955  
training programs, home care programs, respite care programs, and 6956  
long-term care initiatives as they relate to Alzheimer's disease. 6957  
If a task force is created, the members shall include 6958  
representatives of the Alzheimer's disease association and other 6959  
organizations the director considers appropriate. 6960

**Sec. 173.35.** (A) As used in this section, "PASSPORT 6961  
administrative agency" means an entity under contract with the 6962  
department of aging to provide administrative services regarding 6963  
the PASSPORT program created under section 173.40 of the Revised 6964  
Code. 6965

(B) The department of aging shall administer the residential 6966  
state supplement program under which the state supplements the 6967  
supplemental security income payments received by aged, blind, or 6968  
disabled adults under Title XVI of the "Social Security Act," 49 6969  
Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state 6970  
supplement payments shall be used for the provision of 6971  
accommodations, supervision, and personal care services to 6972  
supplemental security income recipients who the department 6973  
determines are at risk of needing institutional care. 6974

(C) For an individual to be eligible for residential state 6975  
supplement payments, all of the following must be the case: 6976

(1) Except as provided by division (G) of this section, the 6977  
individual must reside in one of the following: 6978

(a) An adult foster home certified under section 173.36 of 6979  
the Revised Code; 6980

(b) A home or facility, other than a nursing home or nursing 6981  
home unit of a home for the aging, licensed by the department of 6982  
health under Chapter 3721. or 3722. of the Revised Code and 6983  
certified in accordance with standards established by the director 6984  
of aging under division (D)(2) of this section; 6985

(c) A community alternative home licensed under section 6986  
3724.03 of the Revised Code and certified in accordance with 6987  
standards established by the director of aging under division 6988  
(D)(2) of this section; 6989

(d) A residential facility as defined in division 6990

(A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by 6991  
the department of mental health and certified in accordance with 6992  
standards established by the director of aging under division 6993  
(D)(2) of this section; 6994

(e) An apartment or room used to provide community mental 6995  
health housing services certified by the department of mental 6996  
health under section 5119.611 of the Revised Code and approved by 6997  
a board of alcohol, drug addiction, and mental health services 6998  
under division (A)(14) of section 340.03 of the Revised Code and 6999  
certified in accordance with standards established by the director 7000  
of aging under division (D)(2) of this section. 7001

(2) Effective July 1, 2000, a PASSPORT administrative agency 7002  
must have determined that the environment in which the individual 7003  
will be living while receiving the payments is appropriate for the 7004  
individual's needs. If the individual is eligible for supplemental 7005  
security income payments or social security disability insurance 7006  
benefits because of a mental disability, the PASSPORT 7007  
administrative agency shall refer the individual to a community 7008  
mental health agency for the community mental health agency to 7009  
issue in accordance with section 340.091 of the Revised Code a 7010  
recommendation on whether the PASSPORT administrative agency 7011  
should determine that the environment in which the individual will 7012  
be living while receiving the payments is appropriate for the 7013  
individual's needs. Division (C)(2) of this section does not apply 7014  
to an individual receiving residential state supplement payments 7015  
on June 30, 2000, until the individual's first eligibility 7016  
redetermination after that date. 7017

(3) The individual satisfies all eligibility requirements 7018  
established by rules adopted under division (D) of this section. 7019

(D)(1) The directors of aging and job and family services 7020  
shall adopt rules in accordance with section 111.15 of the Revised 7021  
Code as necessary to implement the residential state supplement 7022



program. 7023

To the extent permitted by Title XVI of the "Social Security Act," and any other provision of federal law, the director of job and family services shall adopt rules establishing standards for adjusting the eligibility requirements concerning the level of impairment a person must have so that the amount appropriated for the program by the general assembly is adequate for the number of eligible individuals. The rules shall not limit the eligibility of disabled persons solely on a basis classifying disabilities as physical or mental. The director of job and family services also shall adopt rules that establish eligibility standards for aged, blind, or disabled individuals who reside in one of the homes or facilities specified in division (C)(1) of this section but who, because of their income, do not receive supplemental security income payments. The rules may provide that these individuals may include individuals who receive other types of benefits, including, social security disability insurance benefits provided under Title II of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this section, such payments may be made if funds are available for them. 7024  
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The director of aging shall adopt rules establishing the method to be used to determine the amount an eligible individual will receive under the program. The amount the general assembly appropriates for the program shall be a factor included in the method that department establishes. 7044  
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(2) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for certification of living facilities described in division (C)(1) of this section. 7049  
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The directors of aging and mental health shall enter into an agreement to certify facilities that apply for certification and 7053  
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meet the standards established by the director of aging under this 7055  
division. 7056

(E) The county department of job and family services of the 7057  
county in which an applicant for the residential state supplement 7058  
program resides shall determine whether the applicant meets income 7059  
and resource requirements for the program. 7060

(F) The department of aging shall maintain a waiting list of 7061  
any individuals eligible for payments under this section but not 7062  
receiving them because moneys appropriated to the department for 7063  
the purposes of this section are insufficient to make payments to 7064  
all eligible individuals. An individual may apply to be placed on 7065  
the waiting list even though the individual does not reside in one 7066  
of the homes or facilities specified in division (C)(1) of this 7067  
section at the time of application. The Individuals on the waiting 7068  
list who reside in a community setting not required to be licensed 7069  
or certified shall have their eligibility for the payments 7070  
assessed before other individuals on the waiting list. 7071

The director of aging, by rules adopted in accordance with 7072  
Chapter 119. of the Revised Code, shall specify procedures and 7073  
requirements for placing an individual on the waiting list. 7074  
~~Individuals on the waiting list who reside in a community setting~~ 7075  
~~not required to be licensed or certified shall have their~~ 7076  
~~eligibility for the payments assessed before other individuals on~~ 7077  
~~the waiting list.~~ 7078

The director may adopt rules giving priority to individuals 7079  
placed on the waiting list on or after July 1, 2006, who receive 7080  
supplemental security income benefits under Title XVI of the 7081  
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as 7082  
amended. The rules shall not affect the place on the waiting list 7083  
of any person who was on the list on July 1, 2006. 7084

(G) An individual in a licensed or certified living 7085

arrangement receiving state supplementation on November 15, 1990, 7086  
under former section 5101.531 of the Revised Code shall not become 7087  
ineligible for payments under this section solely by reason of the 7088  
individual's living arrangement as long as the individual remains 7089  
in the living arrangement in which the individual resided on 7090  
November 15, 1990. 7091

(H) The department of aging shall notify each person denied 7092  
approval for payments under this section of the person's right to 7093  
a hearing. On request, the hearing shall be provided by the 7094  
department of job and family services in accordance with section 7095  
5101.35 of the Revised Code. 7096

**Sec. 173.71.** As used in sections 173.71 to 173.91 of the 7097  
Revised Code: 7098

(A) "Children's health insurance program" means the 7099  
children's health insurance program part I ~~and~~, part II, and part 7100  
III established under sections 5101.50 to ~~5101.5110~~ 5101.029 of 7101  
the Revised Code. 7102

(B) "Disability medical assistance program" means the program 7103  
established under section 5115.10 of the Revised Code. 7104

(C) "Medicaid program" or "medicaid" means the medical 7105  
assistance program established under Chapter 5111. of the Revised 7106  
Code. 7107

(D) "National drug code number" means the number registered 7108  
for a drug pursuant to the listing system established by the 7109  
United States food and drug administration under the "Drug Listing 7110  
Act of 1972," 86 Stat. 559, 21 U.S.C. 360, as amended. 7111

(E) "Ohio's best Rx program participant" or "participant" 7112  
means an individual determined eligible for the Ohio's best Rx 7113  
program and included under an Ohio's best Rx program enrollment 7114  
card. 7115

(F) "Participating manufacturer" means a drug manufacturer participating in the Ohio's best Rx program pursuant to a manufacturer agreement entered into under section 173.81 of the Revised Code.

(G) "Participating terminal distributor" means a terminal distributor of dangerous drugs participating in the Ohio's best Rx program pursuant to an agreement entered into under section 173.79 of the Revised Code.

(H) "Political subdivision" has the same meaning as in section 9.23 of the Revised Code.

(I) "State agency" has the same meaning as in section 9.23 of the Revised Code.

(J) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.

(K) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.

(L) "Trade secret" has the same meaning as in section 1333.61 of the Revised Code.

(M) "Usual and customary charge" means the amount a participating terminal distributor or the drug mail order system included in the Ohio's best Rx program pursuant to section 173.78 of the Revised Code charges when a drug included in the program is purchased by an individual who does not receive a discounted price for the drug pursuant to any drug discount program, including the Ohio's best Rx program or a pharmacy assistance program established by any person or government entity, and for whom no third-party payer or program funded in whole or part with state or federal funds is responsible for all or part of the cost of the drug.

**Sec. 173.85.** (A) The Ohio's best Rx program fund is hereby

created. ~~The fund shall be in the custody of the treasurer of~~ 7146  
~~state, but shall not be part of the state treasury.~~ The fund shall 7147  
consist of the following: 7148

(1) Manufacturer payments made by participating manufacturers 7149  
pursuant to agreements entered into under section 173.81 of the 7150  
Revised Code; 7151

(2) Administrative fees, if an administrative fee is 7152  
determined by the department of aging in rules adopted under 7153  
section 173.83 of the Revised Code; 7154

(3) Any amounts donated to the fund and accepted by the 7155  
department; 7156

(4) The fund's investment earnings. 7157

(B) Money in the Ohio's best Rx program fund shall be used to 7158  
make payments under section 173.801 of the Revised Code and to 7159  
make transfers to the Ohio's best Rx administration fund in 7160  
accordance with section 173.86 of the Revised Code. 7161

**Sec. 173.86.** (A) The Ohio's best Rx administration fund is 7162  
hereby created in the state treasury. The ~~treasurer of state~~ 7163  
director of budget and management shall transfer from the Ohio's 7164  
best Rx program fund to the Ohio's best Rx administration fund 7165  
amounts equal to the following: 7166

(1) Amounts resulting from application of the program 7167  
administration percentage, if a program administration percentage 7168  
is determined by the department of aging in rules adopted under 7169  
section 173.83 of the Revised Code; 7170

(2) The amount of the administrative fees charged Ohio's best 7171  
Rx participants, if an administrative fee is determined by the 7172  
department of aging in rules adopted under section 173.83 of the 7173  
Revised Code; 7174

(3) The amount of any donations credited to the Ohio's best 7175

Rx program fund; 7176

(4) The amount of investment earnings credited to the Ohio's 7177  
best Rx program fund. 7178

The ~~treasurer of state~~ director of budget and management 7179  
shall make the transfers in accordance with a schedule developed 7180  
by the ~~treasurer of state~~ director and the department of aging. 7181

(B) The department of aging shall use money in the Ohio's 7182  
best Rx administration fund to pay the administrative costs of the 7183  
Ohio's best Rx program, including, but not limited to, costs 7184  
associated with contracted services, staff, outreach activities, 7185  
computers and network services, and the Ohio's best Rx program 7186  
council. If the fund includes an amount that exceeds the amount 7187  
necessary to pay the administrative costs of the program, the 7188  
department may use the excess amount to pay the cost of subsidies 7189  
provided to Ohio's best Rx program participants under any subsidy 7190  
program established pursuant to section 173.861 of the Revised 7191  
Code. 7192

**Sec. 174.03.** (A) The department of development and the Ohio 7193  
housing finance agency shall each develop programs under which, in 7194  
accordance with rules adopted under this section, they may make 7195  
grants, loans, loan guarantees, and loan subsidies to counties, 7196  
municipal corporations, townships, local housing authorities, and 7197  
nonprofit organizations and may make loans, loan guarantees, and 7198  
loan subsidies to private developers and private lenders to assist 7199  
in activities that provide housing and housing assistance for 7200  
specifically targeted low- and moderate-income families and 7201  
individuals. There is no minimum housing project size for awards 7202  
under this division for any project that is developed for a 7203  
special needs population and that is supported by a social service 7204  
agency where the housing project is located. Activities for which 7205  
grants, loans, loan guarantees, and loan subsidies may be made 7206

under this section include all of the following: 7207

(1) Acquiring, financing, constructing, leasing, 7208  
rehabilitating, remodeling, improving, and equipping publicly or 7209  
privately owned housing; 7210

(2) Providing supportive services related to housing and the 7211  
homeless, including housing counseling. Not more than twenty per 7212  
cent of the current year appropriation authority for the low- and 7213  
moderate-income housing trust fund that remains after the award of 7214  
funds made pursuant to divisions (A)(1), (A)(2), and (A)(3) of 7215  
section 174.02 of the Revised Code, shall be awarded in any fiscal 7216  
year for supportive services. 7217

(3) Providing rental assistance payments or other project 7218  
operating subsidies that lower tenant rents. 7219

(B) Activities listed under division (A) of this section may 7220  
include emergency shelter care programs for unaccompanied youth 7221  
seventeen years of age and younger. 7222

(C) Grants, loans, loan guarantees, and loan subsidies may be 7223  
made to counties, municipal corporations, townships, and nonprofit 7224  
organizations for the additional purposes of providing technical 7225  
assistance, design and finance services and consultation, and 7226  
payment of pre-development and administrative costs related to any 7227  
of the activities listed above. 7228

~~(C)~~(D) In developing programs under this section, the 7229  
department and the agency shall invite, accept, and consider 7230  
public comment, and recommendations from the housing trust fund 7231  
advisory committee created under section 174.06 of the Revised 7232  
Code, on how the programs should be designed to most effectively 7233  
benefit low- and moderate-income families and individuals. The 7234  
programs developed under this section shall respond collectively 7235  
to housing and housing assistance needs of low- and 7236  
moderate-income families and individuals statewide. 7237

~~(D)~~(E) The department and the agency, in accordance with 7238  
Chapter 119. of the Revised Code, shall each adopt rules to 7239  
administer programs developed under this section. The rules shall 7240  
prescribe procedures and forms that counties, municipal 7241  
corporations, townships, local housing authorities, and nonprofit 7242  
organizations shall use in applying for grants, loans, loan 7243  
guarantees, and loan subsidies and that private developers and 7244  
private lenders shall use in applying for loans, loan guarantees, 7245  
and loan subsidies; eligibility criteria for the receipt of funds; 7246  
procedures for reviewing and granting or denying applications; 7247  
procedures for paying out funds; conditions on the use of funds; 7248  
procedures for monitoring the use of funds; and procedures under 7249  
which a recipient shall be required to repay funds that are 7250  
improperly used. The rules shall do both of the following: 7251

(1) Require each recipient of a grant or loan made from the 7252  
low- and moderate-income housing trust fund for activities that 7253  
provide, or assist in providing, a rental housing project, to 7254  
reasonably ensure that the rental housing project will remain 7255  
affordable to those families and individuals targeted for the 7256  
rental housing project for the useful life of the rental housing 7257  
project or for thirty years, whichever is longer; 7258

(2) Require each recipient of a grant or loan made from the 7259  
low- and moderate-income housing trust fund for activities that 7260  
provide, or assist in providing, a housing project to prepare and 7261  
implement a plan to reasonably assist any families and individuals 7262  
displaced by the housing project in obtaining decent affordable 7263  
housing. 7264

~~(E)~~(F) In prescribing eligibility criteria and conditions for 7265  
the use of funds, neither the department nor the agency is limited 7266  
to the criteria and conditions specified in this section and each 7267  
may prescribe additional eligibility criteria and conditions that 7268  
relate to the purposes for which grants, loans, loan guarantees, 7269



and loan subsidies may be made. However, the department and agency 7270  
are limited by the following specifically targeted low- and 7271  
moderate-income guidelines: 7272

(1) Not less than seventy-five per cent of the money granted 7273  
and loaned under this section in any fiscal year shall be for 7274  
activities that provide affordable housing and housing assistance 7275  
to families and individuals whose incomes are equal to or less 7276  
than fifty per cent of the median income for the county in which 7277  
they live, as determined by the department under section 174.04 of 7278  
the Revised Code. 7279

(2) Any money granted and loaned under this section in any 7280  
fiscal year that is not granted or loaned pursuant to division 7281  
~~(E)~~(F)(1) of this section shall be for activities that provide 7282  
affordable housing and housing assistance to families and 7283  
individuals whose incomes are equal to or less than eighty per 7284  
cent of the median income for the county in which they live, as 7285  
determined by the department under section 174.04 of the Revised 7286  
Code. 7287

~~(F)~~(G) In making grants, loans, loan guarantees, and loan 7288  
subsidies under this section, the department and the agency shall 7289  
give preference to viable projects and activities that benefit 7290  
those families and individuals whose incomes are equal to or less 7291  
than thirty-five per cent of the median income for the county in 7292  
which they live, as determined by the department under section 7293  
174.04 of the Revised Code. 7294

~~(G)~~(H) The department and the agency shall monitor the 7295  
programs developed under this section to ensure that money granted 7296  
and loaned under this section is not used in a manner that 7297  
violates division (H) of section 4112.02 of the Revised Code or 7298  
discriminates against families with children. 7299

**Sec. 174.06.** (A) There is hereby created the housing trust 7300

fund advisory committee. The committee consists of fourteen 7301  
members the governor appoints as follows to represent 7302  
organizations committed to housing and housing assistance for low- 7303  
and moderate-income persons: 7304

(1) One member to represent lenders. 7305

(2) One member to represent for-profit builders and 7306  
developers. 7307

(3) One member to represent the families and individuals 7308  
included in the income groups targeted for housing and housing 7309  
assistance under divisions ~~(E)~~ and (F) and (G) of section 174.03 7310  
of the Revised Code. 7311

(4) One member to represent religious, civic, or social 7312  
service organizations. 7313

(5) One member to represent counties. 7314

(6) One member to represent municipal corporations. 7315

(7) One member to represent townships. 7316

(8) One member to represent local housing authorities. 7317

(9) One member to represent fair housing organizations. 7318

(10) Three members to represent nonprofit organizations. 7319

(11) One member to represent real estate brokers licensed 7320  
under Chapter 4735. of the Revised Code. 7321

(12) One member to represent the for-profit rental housing 7322  
industry. 7323

(B)(1) Terms of office are for four years, with each term 7324  
ending on the same day of the same month as did the term that it 7325  
succeeds. Each member shall hold office from the date of 7326  
appointment until the end of the term for which the member was 7327  
appointed. Vacancies shall be filled in the manner prescribed for 7328  
the original appointment. A member appointed to fill a vacancy 7329

occurring prior to the expiration of a term shall hold office for 7330  
the remainder of that term. A member shall continue in office 7331  
subsequent to the expiration of a term until a successor takes 7332  
office or until a period of sixty days has elapsed, whichever 7333  
occurs first. 7334

(2) The governor may remove a member for misfeasance, 7335  
malfeasance, or willful neglect of duty. 7336

(C)(1) The committee shall select a chairperson from among 7337  
its members. The committee shall meet at least once each calendar 7338  
year and upon the call of the chair. Members of the committee 7339  
serve without compensation, but shall be reimbursed for reasonable 7340  
and necessary expenses incurred in the discharge of duties. 7341

(2) The department of development shall provide the committee 7342  
with a meeting place, supplies, and staff assistance as the 7343  
committee requests. 7344

(D) The committee shall assist the department and the Ohio 7345  
housing finance agency in defining housing needs and priorities, 7346  
recommend to the department and agency at least annually how the 7347  
programs developed under section 174.02 of the Revised Code should 7348  
be designed to most effectively benefit low- and moderate-income 7349  
persons, consider an allocation of funds for projects of fifteen 7350  
units or less, and advise the director of development on whether 7351  
and how to reallocate money in the low- and moderate-income 7352  
housing trust fund under division (B) of section 174.02 of the 7353  
Revised Code. 7354

**Sec. 183.01.** As used in this chapter: 7355

(A) "Tobacco master settlement agreement" means the 7356  
settlement agreement (and related documents) entered into on 7357  
November 23, 1998 by the state and leading United States tobacco 7358  
product manufacturers. 7359

~~(B) "Net amounts credited to the tobacco master settlement agreement fund" means all amounts credited to the tobacco master settlement agreement fund during a fiscal year, minus all amounts required to be transferred under section 183.02 of the Revised Code to the education facilities trust fund, the education facilities endowment fund, and the income tax reduction fund during the fiscal year. In addition, in fiscal year 2000, "net amounts credited to the tobacco master settlement agreement fund" does not include amounts credited to the tobacco use prevention and cessation trust fund, law enforcement improvements trust fund, and southern Ohio agricultural and community development trust fund from the first payment received that year.~~

~~(C) "Southern Ohio" includes any county in this state where tobacco has traditionally been grown.~~

**Sec. 183.021.** (A) No money from the tobacco master settlement agreement fund, as that fund existed prior to the repeal of section 183.02 of the Revised Code by H.B. 119 of the 127th general assembly, shall be expended to do any of the following:

(1) Hire an executive agency lobbyist, as defined under section 121.60 of the Revised Code, or a legislative agent, as defined under section 101.70 of the Revised Code;

(2) Support or oppose candidates, ballot questions, referendums, or ballot initiatives.

(B) Nothing in this section prohibits any of the following from advocating on behalf of the specific objectives of a program funded under this chapter:

(1) The members of the board of trustees, executive director, or employees of the tobacco use prevention and control foundation;

(2) The members of the board of trustees, executive director,

or employees of the southern Ohio agricultural and community 7390  
development foundation; 7391

(3) The members or employees of the third frontier commission 7392  
or the members of the third frontier advisory board. 7393

**Sec. 183.17.** The fiscal year of the southern Ohio 7394  
agricultural and community development foundation shall be the 7395  
same as the fiscal year of the state. 7396

Within ninety days after the end of each fiscal year, the 7397  
foundation shall submit to the governor and the general assembly 7398  
both of the following: 7399

(A) A report of the activities of the foundation during the 7400  
preceding fiscal year. The report shall also contain an 7401  
independent evaluation of the progress being made by the 7402  
foundation in carrying out its duties. 7403

(B) A financial report of the foundation for the preceding 7404  
year, which shall include both: 7405

(1) Information on the amount and percentage of overhead and 7406  
administrative expenditures compared to programmatic expenditures; 7407

(2) An independent auditor's report on the basic financial 7408  
statements and required supplementary information of the 7409  
foundation. Such financial statements shall be prepared in 7410  
conformity with generally accepted accounting principles 7411  
prescribed for governmental entities. 7412

On or before July 1, 2010, the foundation shall report to the 7413  
governor and the general assembly on the progress that the 7414  
foundation has made in replacing the production of tobacco in 7415  
southern Ohio with the production of other agricultural products 7416  
and in mitigating the adverse economic impact of reduced tobacco 7417  
production in the region. ~~If the foundation concludes that a need 7418~~  
~~for additional funding still exists, the foundation may request 7419~~

~~that provision be made for a portion of the payments credited to 7420  
the tobacco master settlement agreement fund to continue to be 7421  
transferred to the southern Ohio agricultural and community 7422  
development trust fund. 7423~~

**Sec. 183.33.** No money shall be appropriated or transferred 7424  
from the general revenue fund to the ~~tobacco master settlement 7425  
agreement fund~~, tobacco use prevention and cessation trust fund, 7426  
tobacco use prevention and control endowment fund, law enforcement 7427  
improvements trust fund, southern Ohio agricultural and community 7428  
development trust fund, southern Ohio agricultural and community 7429  
development foundation endowment fund, Ohio's public health 7430  
priorities trust fund, biomedical research and technology transfer 7431  
trust fund, education facilities trust fund, ~~education facilities 7432  
endowment fund~~, or education technology trust fund. In addition, 7433  
no money shall be otherwise appropriated or transferred from the 7434  
general revenue fund for the use of the tobacco use prevention and 7435  
control foundation ~~or the southern Ohio agricultural and community 7436  
development foundation.~~ 7437

**Sec. 183.34.** There is hereby created in the state treasury 7438  
the tobacco settlement oversight, administration, and enforcement 7439  
fund, ~~to~~ which shall ~~be credited~~ consist of amounts transferred 7440  
under division (I) of section 183.02 of the Revised Code prior to 7441  
the repeal of that section by H.B. 119 of the 127th general 7442  
assembly. The attorney general shall use the fund to pay costs 7443  
incurred in the oversight, administration, and enforcement of the 7444  
tobacco master settlement agreement. 7445

**Sec. 183.35.** There is hereby created in the state treasury 7446  
the tobacco settlement enforcement fund, ~~to~~ which shall ~~be 7447  
credited~~ consist of amounts transferred under division (J) of 7448  
section 183.02 of the Revised Code prior to the repeal of that 7449

section by H.B. 119 of the 127th general assembly. The tax 7450  
commissioner shall use the fund to pay costs incurred in the 7451  
enforcement of divisions (F) and (G) of section 5743.03 of the 7452  
Revised Code. 7453

Sec. 183.51. (A) As used in this section and in the 7454  
applicable bond proceedings unless otherwise provided: 7455

(1) "Bond proceedings" means the resolutions, orders, 7456  
indentures, purchase and sale and trust and other agreements 7457  
including any amendments or supplements to them, and credit 7458  
enhancement facilities, and amendments and supplements to them, or 7459  
any one or more or combination of them, authorizing, awarding, or 7460  
providing for the terms and conditions applicable to or providing 7461  
for the security or liquidity of, the particular obligations, and 7462  
the provisions contained in those obligations. 7463

(2) "Bond service fund" means the bond service fund created 7464  
in the bond proceedings for the obligations. 7465

(3) "Capital facilities" means, as applicable, capital 7466  
facilities or projects as referred to in sections 151.03, 151.04, 7467  
152.09, 152.33, 154.20, or 154.22 of the Revised Code. 7468

(4) "Cost of capital facilities" has the same meaning as in 7469  
section 151.01, 152.09, or 154.01 of the Revised Code, as 7470  
applicable. 7471

(5) "Credit enhancement facilities," "financing costs," and 7472  
"interest" or "interest equivalent" have the same meanings as in 7473  
section 133.01 of the Revised Code. 7474

(6) "Debt service" means principal, including any mandatory 7475  
sinking fund or redemption requirements for retirement of 7476  
obligations, interest and other accreted amounts, interest 7477  
equivalent, and any redemption premium, payable on obligations. If 7478  
not prohibited by the applicable bond proceedings, "debt service" 7479

may include costs relating to credit enhancement facilities that 7480  
are related to and represent, or are intended to provide a source 7481  
of payment of or limitation on, other debt service. 7482

(7) "Improvement fund" means, as applicable, the school 7483  
building program assistance fund created in section 3318.25 of the 7484  
Revised Code, the higher education improvement fund created in 7485  
section 154.21 of the Revised Code, the mental health facilities 7486  
improvement fund created in section 154.20 of the Revised Code, 7487  
the parks and recreation improvement fund created in section 7488  
154.22 of the Revised Code, the administrative building fund 7489  
created in section 123.10 of the Revised Code, and the adult 7490  
correctional building fund referred to in section 5120.105 of the 7491  
Revised Code. 7492

(8) "Issuing authority" means the Ohio tobacco settlement 7493  
financing authority created in section 183.52 of the Revised Code. 7494

(9) "Net proceeds" means amounts received from the sale of 7495  
obligations, excluding amounts used to refund or retire 7496  
outstanding obligations, amounts required to be deposited into 7497  
special funds pursuant to the applicable bond proceedings, and 7498  
amounts to be used to pay financing costs. 7499

(10) "Obligations" means bonds, notes, or other evidences of 7500  
obligation of the issuing authority, including any appertaining 7501  
interest coupons, issued by the issuing authority under this 7502  
section and Section 2i of Article VIII, Ohio Constitution, for the 7503  
purpose of providing funds to the state, in exchange for the 7504  
assignment and sale described in division (B) of this section, for 7505  
the purpose of paying costs of capital facilities for: (a) housing 7506  
branches and agencies of state government, including but not 7507  
limited to facilities for housing state agencies, for a system of 7508  
common schools throughout the state, and for use as state 7509  
correctional facilities or county, multicounty, municipal-county, 7510  
and multicounty-municipal jail facilities or workhouses; (b) 7511



state-supported or state-assisted institutions of higher 7512  
education; (c) mental hygiene and retardation; and (d) parks and 7513  
recreation. 7514

(11) "Pledged receipts" means, as and to the extent provided 7515  
for in the applicable bond proceedings: 7516

(a) Pledged tobacco settlement receipts; 7517

(b) Accrued interest received from the sale of obligations; 7518

(c) Income from the investment of the special funds; 7519

(d) Additional or any other specific revenues or receipts 7520  
lawfully available to be pledged, and pledged, pursuant to the 7521  
bond proceedings, including but not limited to amounts received 7522  
under credit enhancement facilities, to the payment of debt 7523  
service. 7524

(12) "Pledged tobacco settlement receipts" means all amounts 7525  
received by the issuing authority pursuant to division (B) of this 7526  
section. 7527

(13) "Principal amount" means the aggregate of the amount as 7528  
stated or provided for in the applicable bond proceedings as the 7529  
amount on which interest or interest equivalent on particular 7530  
obligations is initially calculated. "Principal amount" does not 7531  
include any premium paid to the issuing authority by the initial 7532  
purchaser of the obligations. "Principal amount" of a capital 7533  
appreciation bond, as defined in division (C) of section 3334.01 7534  
of the Revised Code, means its original face amount and not its 7535  
accreted value, and "principal amount" of a zero coupon bond, as 7536  
defined in division (J) of section 3334.01 of the Revised Code, 7537  
means the discounted offering price at which the bond is initially 7538  
sold to the public, disregarding any purchase price discount to 7539  
the original purchaser, if provided in or for pursuant to the bond 7540  
proceedings. 7541

(14) "Special funds" or "funds," unless the context indicates otherwise, means the bond service fund, and any other funds, including any reserve funds, created under the bond proceedings and stated to be special funds in those proceedings, including moneys and investments, and earnings from investments, credited and to be credited to the particular fund. "Special funds" does not include any improvement fund or investment earnings on amounts in any improvement fund, or other funds created by the bond proceedings that are not stated by those proceedings to be special funds.

(B) The state may assign and sell to the issuing authority, and the issuing authority may accept and purchase, all or a portion of the amounts to be received by the state under the tobacco master settlement agreement for a purchase price payable by the issuing authority to the state consisting of the net proceeds of obligations and any residual interest, if any. Any such assignment and sale shall be irrevocable in accordance with its terms during the period any obligations secured by amounts so assigned and sold are outstanding under the applicable bond proceedings, and shall constitute a contractual obligation to the holders or owners of those obligations. Any such assignment and sale shall also be treated as an absolute transfer and true sale for all purposes, and not as a pledge or other security interest. The characterization of any such assignment and sale as a true sale and absolute transfer shall not be negated or adversely affected by only a portion of the amounts to be received under the tobacco master settlement agreement being transferred, the acquisition or retention by the state of a residual interest, the participation of any state officer or employee as a member or officer of, or providing staff support to, the issuing authority, any responsibility of an officer or employee of the state for collecting the amounts to be received under the tobacco master settlement agreement or otherwise enforcing that agreement or

retaining any legal title to or interest in any portion of the 7575  
amounts to be received under that agreement for the purpose of 7576  
these collection activities, any characterization of the issuing 7577  
authority or its obligations for purposes of accounting, taxation, 7578  
or securities regulation, or by any other factors whatsoever. A 7579  
true sale shall exist under this section regardless of whether the 7580  
issuing authority has any recourse against the state or any other 7581  
term of the bond proceedings or the treatment or characterization 7582  
of the transfer as a financing for any purpose. Upon and following 7583  
the assignment and sale, the state shall not have any right, 7584  
title, or interest in the portion of the receipts under the 7585  
tobacco master settlement agreement so assigned and sold, other 7586  
than any residual interest that may be described in the applicable 7587  
bond proceedings for those obligations, and that portion, if any, 7588  
shall be the property of the issuing authority and not of the 7589  
state, and shall be paid directly to the issuing authority, and 7590  
shall be owned, received, held, and disbursed by the issuing 7591  
authority and not by the state, and the state shall: (1) not agree 7592  
to any amendment of the tobacco master settlement agreement that 7593  
materially and adversely affects the issuing authority's ability 7594  
to receive the portion of the receipts under the tobacco master 7595  
settlement agreement assigned and sold to the issuing authority, 7596  
(2) enforce by the attorney general in the manner and as otherwise 7597  
set forth in any bond proceedings the rights of the issuing 7598  
authority to receive the receipts under the tobacco master 7599  
settlement agreement assigned and sold to the issuing authority to 7600  
the full extent permitted by the tobacco master settlement 7601  
agreement, (3) not limit or alter the rights of the issuing 7602  
authority to fulfill the terms of its agreements with the holders 7603  
or owners of obligations outstanding under the bond proceedings, 7604  
(4) not in any way impair the rights and remedies of the holders 7605  
or owners of obligations outstanding under the bond proceedings or 7606  
the security for those obligations; provided, that nothing in this 7607

section shall be construed to preclude the state from regulating 7608  
or permitting the regulation of smoking or from taxing and 7609  
regulating the sale of cigarettes or other tobacco products; and 7610  
(5) not fail to enforce Chapter 1346. of the Revised Code. Nothing 7611  
in this section shall be construed as in any way modifying or 7612  
limiting the responsibility and power of the attorney general to 7613  
administer, protect, and discharge all duties, rights, and 7614  
obligations of the state under the tobacco master settlement 7615  
agreement or Chapter 1346. of the Revised Code. 7616

The governor and the director of budget and management, in 7617  
consultation with the attorney general, on behalf of the state, 7618  
and any member or officer of the issuing authority as authorized 7619  
by that issuing authority, on behalf of the issuing authority, may 7620  
take any action and execute any documents, including any purchase 7621  
and sale agreements, necessary to effect the assignment and sale 7622  
and the acceptance of the assignment and title to the receipts 7623  
including, providing irrevocable direction to the escrow agent 7624  
acting under the tobacco master settlement agreement to transfer 7625  
directly to the issuing authority the amounts to be received under 7626  
that agreement that are subject to such assignment and sale. Any 7627  
purchase and sale agreement or other bond proceedings may contain 7628  
the terms and conditions established by the state and the issuing 7629  
authority to carry out and effectuate the purposes of this 7630  
section, including, without limitation, covenants binding the 7631  
state in favor of the issuing authority and its assignees and the 7632  
owners of the obligations. Any such purchase and sale agreement 7633  
shall be sufficient to effectuate such purchase and sale without 7634  
regard to any other laws governing other property sales or 7635  
financial transactions by the state. 7636

Not later than two years following the date on which there 7637  
are no longer any obligations outstanding under the bond 7638  
proceedings, all assets of the issuing authority shall vest in the 7639

state, the issuing authority shall execute any necessary 7640  
assignments or instruments, including any assignment of any right, 7641  
title, or ownership to the state for receipt of amounts under the 7642  
tobacco master settlement agreement, and the issuing authority 7643  
shall be dissolved. 7644

(C) The issuing authority is authorized to issue and to sell 7645  
obligations as provided in this section. The aggregate principal 7646  
amount of obligations issued under this section shall not exceed 7647  
six billion dollars, exclusive of obligations issued under 7648  
divisions (N)(1) of this section to refund, renew, or advance 7649  
refund other obligations issued or incurred. At least seventy-five 7650  
per cent of the aggregate net proceeds of the obligations issued 7651  
under the authority of this section, exclusive of obligations 7652  
issued to refund, renew, or advance refund other obligations, 7653  
shall be paid to the state for deposit into the school building 7654  
program assistance fund created in section 3318.25 of the Revised 7655  
Code. 7656

(D) Each issue of obligations shall be authorized by 7657  
resolution or order of the issuing authority. The bond proceedings 7658  
shall provide for or authorize the manner for determining the 7659  
principal amount or maximum principal amount of obligations of an 7660  
issue, the principal maturity or maturities, the interest rate or 7661  
rates, the date of and the dates of payment of interest on the 7662  
obligations, their denominations, and the place or places of 7663  
payment of debt service which may be within or outside the state. 7664  
Unless otherwise provided by law, the latest principal maturity 7665  
may not be later than the earlier of the thirty-first day of 7666  
December of the fiftieth calendar year after the year of issuance 7667  
of the particular obligations or of the fiftieth calendar year 7668  
after the year in which the original obligation to pay was issued 7669  
or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of 7670  
the Revised Code apply to the obligations. 7671

The purpose of the obligations may be stated in the bond 7672  
proceedings in general terms, such as, as applicable, "paying 7673  
costs of capital facilities for a system of common schools," 7674  
"paying costs of facilities for state-supported and state-assisted 7675  
institutions of higher education," "paying the cost of capital 7676  
facilities for housing of branches and agencies of state 7677  
government, including capital facilities for the purpose of 7678  
housing personnel, equipment, or functions, or any combination 7679  
thereof that the state agencies are responsible for housing," 7680  
"paying costs of capital facilities for use as state correctional 7681  
facilities or county, multicounty, municipal-county, and 7682  
multicounty-municipal jail facilities or workhouses, or as single 7683  
county or district community-based correctional facilities," 7684  
"paying costs of capital facilities for mental hygiene and 7685  
retardation," and "paying costs of capital facilities for parks 7686  
and recreation." Unless otherwise provided in the bond 7687  
proceedings, the net proceeds from the issuance of the obligations 7688  
shall be paid to the state for deposit into the applicable 7689  
improvement fund. Notwithstanding division (B)(4) of section 7690  
3318.38 of the Revised Code, net proceeds of obligations deposited 7691  
into the school building program assistance fund created in 7692  
section 3318.25 of the Revised Code may be used to pay basic 7693  
project costs under section 3318.38 of the Revised Code at the 7694  
times determined by the Ohio school facilities commission without 7695  
regard to whether those expenditures are in proportion to the 7696  
state's and the school district's respective shares of that basic 7697  
project cost. As used in the preceding sentence, "Ohio school 7698  
facilities commission" and "basic project costs" have the same 7699  
meanings as in section 3318.01 of the Revised Code. 7700

(E) The issuing authority may, without need for any other 7701  
approval, appoint or provide for the appointment of paying agents, 7702  
bond registrars, securities depositories, credit enhancement 7703  
providers or counterparties, clearing corporations, and transfer 7704

agents, and retain or contract for the services of underwriters, 7705  
investment bankers, financial advisers, accounting experts, 7706  
marketing, remarketing, indexing, and administrative agents, other 7707  
consultants, and independent contractors, including printing 7708  
services, as are necessary in the judgment of the issuing 7709  
authority to carry out the issuing authority's functions under 7710  
this section and section 183.52 of the Revised Code. The issuing 7711  
authority also may without need for any other approval retain or 7712  
contract for the services of attorneys and other professionals for 7713  
that purpose. Financing costs are payable, as may be provided in 7714  
the bond proceedings, from the proceeds of the obligations, from 7715  
special funds, or from other moneys available for the purpose, 7716  
including as to future financing costs, from the pledged receipts. 7717

(F) The issuing authority may irrevocably pledge and assign 7718  
all, or such portion as the issuing authority determines, of the 7719  
pledged receipts to the payment of the debt service charges on 7720  
obligations issued under this section, and for the establishment 7721  
and maintenance of any reserves, as provided in the bond 7722  
proceedings, and make other provisions in the bond proceedings 7723  
with respect to pledged receipts as authorized by this section, 7724  
which provisions are controlling notwithstanding any other 7725  
provisions of law pertaining to them. Any and all pledged receipts 7726  
received by the issuing authority and required by the bond 7727  
proceedings, consistent with this section, to be deposited, 7728  
transferred, or credited to the bond service fund, and all other 7729  
money transferred or allocated to or received for the purposes of 7730  
that fund, shall be deposited and credited to the bond service 7731  
fund created in the bond proceedings for the obligations, subject 7732  
to any applicable provisions of those bond proceedings, but 7733  
without necessity for any act of appropriation. Those pledged 7734  
receipts shall immediately be subject to the lien of that pledge 7735  
without any physical delivery thereof or further act, and shall 7736  
not be subject to other court judgments. The lien of the pledge of 7737

those pledged receipts shall be valid and binding against all 7738  
parties having claims of any kind against the issuing authority, 7739  
irrespective of whether those parties have notice thereof. The 7740  
pledge shall create a perfected security interest for all purposes 7741  
of Chapter 1309. of the Revised Code and a perfected lien for 7742  
purposes of any other interest, all without the necessity for 7743  
separation or delivery of funds or for the filing or recording of 7744  
the applicable bond proceedings by which that pledge is created or 7745  
any certificate, statement, or other document with respect 7746  
thereto. The pledge of the pledged receipts shall be effective and 7747  
the money therefrom and thereof may be applied to the purposes for 7748  
which pledged. 7749

(G) The issuing authority may covenant in the bond 7750  
proceedings, and such covenants shall be controlling, and shall be 7751  
binding upon the state if and when made, notwithstanding any other 7752  
provision of law, that (1) the state and applicable officers and 7753  
state agencies, including the general assembly, so long as any 7754  
obligations issued under this section are outstanding, shall 7755  
maintain statutory authority for, and cause to be collected and 7756  
paid directly to the issuing authority or its assignee, the 7757  
pledged receipts for the payment of debt service on obligations 7758  
and for the establishment and maintenance of any reserves and 7759  
other requirements provided for in the bond proceedings, (2) the 7760  
state shall enforce by the attorney general, in the manner and as 7761  
otherwise set forth in any bond proceedings, the provisions of the 7762  
tobacco master settlement agreement that require payment of 7763  
amounts to the state that have been assigned and sold to the 7764  
issuing authority, and (3) the state shall not fail to enforce 7765  
Chapter 1346. of the Revised Code. 7766

(H) Obligations may be further secured, as determined by the 7767  
issuing authority, by an indenture or a trust agreement between 7768  
the issuing authority and a corporate trustee, which may be any 7769



trust company or bank having a place of business within the state. 7770

Any indenture or trust agreement may contain the resolution or 7771

order authorizing the issuance of the obligations, any provisions 7772

that may be contained in any bond proceedings, and other 7773

provisions that are customary or appropriate in an agreement of 7774

that type, including, but not limited to: 7775

(1) Maintenance of each pledge, indenture, trust agreement, 7776

or other instrument comprising part of the bond proceedings until 7777

the issuing authority has fully paid or provided for the payment 7778

of debt service on the obligations secured by it; 7779

(2) In the event of default in any payments required to be 7780

made by the bond proceedings, enforcement of those payments or 7781

agreements by mandamus, the appointment of a receiver, suit in 7782

equity, action at law, or any combination of them; 7783

(3) The rights and remedies of the holders or owners of 7784

obligations and of the trustee and provisions for protecting and 7785

enforcing them, including limitations on rights of individual 7786

holders and owners. 7787

(I) The bond proceedings may contain additional provisions 7788

customary or appropriate to the financing or to the obligations or 7789

to particular obligations including, but not limited to, 7790

provisions for: 7791

(1) The redemption of obligations prior to maturity at the 7792

option of the issuing authority or of the holder or upon the 7793

occurrence of certain conditions, and at a particular price or 7794

prices and under particular terms and conditions; 7795

(2) The form of and other terms of the obligations; 7796

(3) The establishment, deposit, investment, and application 7797

of special funds, and the safeguarding of moneys on hand or on 7798

deposit, in lieu of the applicability of provisions of Chapter 7799

131. or 135. of the Revised Code, but subject to any special 7800

provisions of this section with respect to the application of 7801  
particular funds or moneys. Any financial institution that acts as 7802  
a depository of any moneys in special funds or other funds under 7803  
the bond proceedings may furnish indemnifying bonds or pledge 7804  
securities as required by the issuing authority. 7805

(4) Any or every provision of the bond proceedings being 7806  
binding upon the issuing authority and upon such governmental 7807  
agency or entity, officer, board, authority, agency, department, 7808  
institution, district, or other person or body as may from time to 7809  
time be authorized to take actions as may be necessary to perform 7810  
all or any part of the duty required by the provision; 7811

(5) The maintenance of each pledge or instrument comprising 7812  
part of the bond proceedings until the issuing authority has fully 7813  
paid or provided for the payment of the debt service on the 7814  
obligations or met other stated conditions; 7815

(6) In the event of default in any payments required to be 7816  
made by the bond proceedings, or by any other agreement of the 7817  
issuing authority made as part of a contract under which the 7818  
obligations were issued or secured, including a credit enhancement 7819  
facility, the enforcement of those payments by mandamus, a suit in 7820  
equity, an action at law, or any combination of those remedial 7821  
actions; 7822

(7) The rights and remedies of the holders or owners of 7823  
obligations or of book-entry interests in them, and of third 7824  
parties under any credit enhancement facility, and provisions for 7825  
protecting and enforcing those rights and remedies, including 7826  
limitations on rights of individual holders or owners; 7827

(8) The replacement of mutilated, destroyed, lost, or stolen 7828  
obligations; 7829

(9) The funding, refunding, or advance refunding, or other 7830  
provision for payment, of obligations that will then no longer be 7831

outstanding for purposes of this section or of the applicable bond 7832  
proceedings; 7833

(10) Amendment of the bond proceedings; 7834

(11) Payment of the expenses of the enforcement activity of 7835  
the attorney general and others referred to in division (G)(2) of 7836  
this section from the amounts received by the state under the 7837  
tobacco master settlement agreement assigned and sold to the 7838  
issuing authority under division (B) of this section; 7839

(12) Any other or additional agreements with the owners of 7840  
obligations, and such other provisions as the issuing authority 7841  
determines, including limitations, conditions, or qualifications, 7842  
relating to any of the foregoing or the activities of the issuing 7843  
authority in connection therewith. 7844

The issuing authority shall not, and shall covenant in the 7845  
bond proceedings that it shall not, be authorized to and shall not 7846  
file a voluntary petition under the United States Bankruptcy Code, 7847  
11 U.S.C. 101 et seq., as amended, or voluntarily commence any 7848  
similar bankruptcy proceeding under state law including, without 7849  
limitation, consenting to the appointment of a receiver or trustee 7850  
or making a general or specific assignment for the benefit of 7851  
creditors, and neither any public officer or any organization, 7852  
entity, or other person shall authorize the issuing authority to 7853  
be or become a debtor under the United States Bankruptcy Code or 7854  
take any of those actions under the United States Bankruptcy Code 7855  
or state law. The state hereby covenants, and the issuing 7856  
authority shall covenant, with the holders or owners of the 7857  
obligations, that the state shall not permit the issuing authority 7858  
to file a voluntary petition under the United States Bankruptcy 7859  
Code or take any of those actions under the United States 7860  
Bankruptcy Code or state law during the period obligations are 7861  
outstanding and for any additional period for which the issuing 7862  
authority covenants in the bond proceedings, which additional 7863

period may, but need not, be a period of three hundred sixty-seven days or more. 7864  
7865

(J) The obligations requiring execution by or for the issuing authority shall be signed as provided in the bond proceedings, and may bear the official seal of the issuing authority or a facsimile thereof. Any obligation may be signed by the individual who, on the date of execution, is the authorized signer even though, on the date of the obligations, that individual is not an authorized signer. In case the individual whose signature or facsimile signature appears on any obligation ceases to be an authorized signer before delivery of the obligation, that signature or facsimile is nevertheless valid and sufficient for all purposes as if that individual had remained the authorized signer until delivery. 7866  
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(K) Obligations are investment securities under Chapter 1308. of the Revised Code. Obligations may be issued in bearer or in registered form, registrable as to principal alone or as to both principal and interest, or both, or in certificated or uncertificated form, as the issuing authority determines. Provision may be made for the exchange, conversion, or transfer of obligations and for reasonable charges for registration, exchange, conversion, and transfer. Pending preparation of final obligations, the issuing authority may provide for the issuance of interim instruments to be exchanged for the final obligations. 7878  
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(L) Obligations may be sold at public sale or at private sale, in such manner, and at such price at, above, or below par, all as determined by and provided by the issuing authority in the bond proceedings. 7888  
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(M) Except to the extent that rights are restricted by the bond proceedings, any owner of obligations or provider of or counterparty to a credit enhancement facility may by any suitable form of legal proceedings protect and enforce any rights relating 7892  
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to obligations or that facility under the laws of this state or 7896  
granted by the bond proceedings. Those rights include the right to 7897  
compel the performance of all applicable duties of the issuing 7898  
authority and the state. Each duty of the issuing authority and 7899  
that issuing authority's officers, staff, and employees, and of 7900  
each state entity or agency, or using district or using 7901  
institution, and its officers, members, staff, or employees, 7902  
undertaken pursuant to the bond proceedings, is hereby established 7903  
as a duty of the entity or individual having authority to perform 7904  
that duty, specifically enjoined by law and resulting from an 7905  
office, trust, or station within the meaning of section 2731.01 of 7906  
the Revised Code. The individuals who are from time to time the 7907  
issuing authority, members or officers of the issuing authority, 7908  
or those members' designees acting pursuant to section 183.52 of 7909  
the Revised Code, or the issuing authority's officers, staff, or 7910  
employees, are not liable in their personal capacities on any 7911  
obligations or otherwise under the bond proceedings. 7912

(N)(1) Subject to any applicable limitations in division (C) 7913  
of this section, the issuing authority may also authorize and 7914  
provide for the issuance of: 7915

(a) Obligations in the form of bond anticipation notes, and 7916  
may authorize and provide for the renewal of those notes from time 7917  
to time by the issuance of new notes. The holders of notes or 7918  
appertaining interest coupons have the right to have debt service 7919  
on those notes paid solely from the moneys and special funds, and 7920  
all or any portion of the pledged receipts, that are or may be 7921  
pledged to that payment, including the proceeds of bonds or 7922  
renewal notes or both, as the issuing authority provides in the 7923  
bond proceedings authorizing the notes. Notes may be additionally 7924  
secured by covenants of the issuing authority to the effect that 7925  
the issuing authority will do all things necessary for the 7926  
issuance of bonds or renewal notes in such principal amount and 7927

upon such terms as may be necessary to provide moneys to pay when 7928  
due the debt service on the notes, and apply their proceeds to the 7929  
extent necessary, to make full and timely payment of debt service 7930  
on the notes as provided in the applicable bond proceedings. In 7931  
the bond proceedings authorizing the issuance of bond anticipation 7932  
notes the issuing authority shall set forth for the bonds 7933  
anticipated an estimated schedule of annual principal payments the 7934  
latest of which shall be no later than provided in division (D) of 7935  
this section. While the notes are outstanding there shall be 7936  
deposited, as shall be provided in the bond proceedings for those 7937  
notes, from the sources authorized for payment of debt service on 7938  
the bonds, amounts sufficient to pay the principal of the bonds 7939  
anticipated as set forth in that estimated schedule during the 7940  
time the notes are outstanding, which amounts shall be used solely 7941  
to pay the principal of those notes or of the bonds anticipated. 7942

(b) Obligations for the refunding, including funding and 7943  
retirement, and advance refunding, with or without payment or 7944  
redemption prior to maturity, of any obligations previously issued 7945  
under this section and any bonds or notes previously issued for 7946  
the purpose of paying costs of capital facilities for: (i) 7947  
state-supported or state-assisted institutions of higher education 7948  
as authorized by sections 151.01 and 151.04 of the Revised Code, 7949  
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution; 7950  
(ii) housing branches and agencies of state government, including 7951  
but not limited to facilities for housing state agencies as 7952  
authorized by section 152.09 of the Revised Code, pursuant to 7953  
Section 2i of Article VIII, Ohio Constitution, for a system of 7954  
common schools throughout the state as authorized by sections 7955  
151.01 and 151.03 of the Revised Code, pursuant to Sections 2i and 7956  
2n of Article VIII, Ohio Constitution, and for use as state 7957  
correctional facilities or county, multicounty, municipal-county, 7958  
and multicounty-municipal jail facilities or workhouses as 7959  
authorized by section 152.33 of the Revised Code, pursuant to 7960

Section 2i of Article VIII, Ohio Constitution; (iii) mental 7961  
hygiene and retardation as authorized by sections 154.01 and 7962  
154.20 of the Revised Code, pursuant to Section 2i of Article 7963  
VIII, Ohio Constitution; and (iv) parks and recreation as 7964  
authorized by sections 154.01 and 154.22 of the Revised Code, 7965  
pursuant to Section 2i of Article VIII, Ohio Constitution. 7966  
Refunding obligations may be issued in amounts sufficient to pay 7967  
or to provide for repayment of the principal amount, including 7968  
principal amounts maturing prior to the redemption of the 7969  
remaining prior obligations or bonds or notes, any redemption 7970  
premium, and interest accrued or to accrue to the maturity or 7971  
redemption date or dates, payable on the prior obligations or 7972  
bonds or notes, and related financing costs and any expenses 7973  
incurred or to be incurred in connection with that issuance and 7974  
refunding. Subject to the applicable bond proceedings, the portion 7975  
of the proceeds of the sale of refunding obligations issued under 7976  
division (N)(1)(b) of this section to be applied to debt service 7977  
on the prior obligations or bonds or notes shall be credited to an 7978  
appropriate separate account in the bond service fund and held in 7979  
trust for the purpose by the issuing authority or by a corporate 7980  
trustee, and may be invested as provided in the bond proceedings. 7981  
Obligations authorized under this division shall be considered to 7982  
be issued for those purposes for which the prior obligations or 7983  
bonds or notes were issued. 7984

(2) The principal amount of refunding, advance refunding, or 7985  
renewal obligations issued pursuant to division (N) of this 7986  
section shall be in addition to the amount authorized in division 7987  
(C) of this section. 7988

(O) Obligations are lawful investments for banks, savings and 7989  
loan associations, credit union share guaranty corporations, trust 7990  
companies, trustees, fiduciaries, insurance companies, including 7991  
domestic for life and domestic not for life, trustees or other 7992

officers having charge of sinking and bond retirement or other 7993  
special funds of the state and political subdivisions and taxing 7994  
districts of this state, notwithstanding any other provisions of 7995  
the Revised Code or rules adopted pursuant to those provisions by 7996  
any state agency with respect to investments by them, and are also 7997  
acceptable as security for the repayment of the deposit of public 7998  
moneys. The exemptions from taxation in Ohio as provided for in 7999  
particular sections of the Ohio Constitution and section 5709.76 8000  
of the Revised Code apply to the obligations. 8001

(P)(1) Unless otherwise provided or provided for in any 8002  
applicable bond proceedings, moneys to the credit of or in a 8003  
special fund shall be disbursed on the order of the issuing 8004  
authority. No such order is required for the payment, from the 8005  
bond service fund or other special fund, when due of debt service 8006  
or required payments under credit enhancement facilities. 8007

(2) Payments received by the issuing authority under interest 8008  
rate hedges entered into as credit enhancement facilities under 8009  
this section shall be deposited as provided in the applicable bond 8010  
proceedings. 8011

(O) The obligations shall not be general obligations of the 8012  
state and the full faith and credit, revenue, and taxing power of 8013  
the state shall not be pledged to the payment of debt service on 8014  
them. The holders or owners of the obligations shall have no right 8015  
to have any moneys obligated or pledged for the payment of debt 8016  
service except as provided in this section and in the applicable 8017  
bond proceedings. The rights of the holders and owners to payment 8018  
of debt service are limited to all or that portion of the pledged 8019  
receipts, and those special funds, pledged to the payment of debt 8020  
service pursuant to the bond proceedings in accordance with this 8021  
section, and each obligation shall bear on its face a statement to 8022  
that effect. 8023

(R) Each bond service fund is a trust fund and is hereby 8024



pledged to the payment of debt service on the applicable 8025  
obligations. Payment of that debt service shall be made or 8026  
provided for by the issuing authority in accordance with the bond 8027  
proceedings without necessity for any act of appropriation. The 8028  
bond proceedings may provide for the establishment of separate 8029  
accounts in the bond service fund and for the application of those 8030  
accounts only to debt service on specific obligations, and for 8031  
other accounts in the bond service fund within the general 8032  
purposes of that fund. 8033

(S) Subject to the bond proceedings pertaining to any 8034  
obligations then outstanding in accordance with their terms, the 8035  
issuing authority may in the bond proceedings pledge all, or such 8036  
portion as the issuing authority determines, of the moneys in the 8037  
bond service fund to the payment of debt service on particular 8038  
obligations, and for the establishment and maintenance of any 8039  
reserves for payment of particular debt service. 8040

(T)(1) Unless otherwise provided in any applicable bond 8041  
proceedings, moneys to the credit of special funds may be invested 8042  
by or on behalf of the issuing authority only in one or more of 8043  
the following: 8044

(a) Notes, bonds, or other direct obligations of the United 8045  
States or of any agency or instrumentality of the United States, 8046  
or in no-front-end-load money market mutual funds consisting 8047  
exclusively of those obligations, or in repurchase agreements, 8048  
including those issued by any fiduciary, secured by those 8049  
obligations, or in collective investment funds consisting 8050  
exclusively of those obligations; 8051

(b) Obligations of this state or any political subdivision of 8052  
this state; 8053

(c) Certificates of deposit of any national bank located in 8054  
this state and any bank, as defined in section 1101.01 of the 8055

Revised Code, subject to inspection by the superintendent of 8056  
financial institutions; 8057

(d) The treasurer of state's pooled investment program under 8058  
section 135.45 of the Revised Code; 8059

(e) Other investment agreements or repurchase agreements that 8060  
are consistent with the ratings on the obligations. 8061

(2) The income from investments referred to in division 8062  
(T)(1) of this section shall be credited to special funds or 8063  
otherwise as the issuing authority determines in the bond 8064  
proceedings. Those investments may be sold or exchanged at times 8065  
as the issuing authority determines, provides for, or authorizes. 8066

(U) The treasurer of state shall have responsibility for 8067  
keeping records, making reports, and making payments, relating to 8068  
any arbitrage rebate requirements under the applicable bond 8069  
proceedings. 8070

**Sec. 183.52.** (A) There is hereby created a body, both 8071  
corporate and politic, constituting an agency and instrumentality 8072  
of this state and performing essential functions of the state, to 8073  
be known as the Ohio tobacco settlement financing authority, which 8074  
in that name may contract and be contracted with, sue and be sued, 8075  
and exercise all other authority vested in that authority by this 8076  
section and section 183.51 of the Revised Code. The authority is 8077  
created for the sole purpose of purchasing and receiving any 8078  
assignment of the tobacco settlement receipts and issuing 8079  
obligations, all as provided for in section 183.51 of the Revised 8080  
Code, to provide financing of essential functions and facilities. 8081  
The property of the authority and its income and operations shall 8082  
be exempt from taxation involving the state or by the state and 8083  
any political subdivision of the state. All income of the 8084  
authority, after the payment of necessary expenses, shall accrue 8085  
to the state. 8086

(B) The authority shall consist of, in each case ex officio, 8087  
the governor, the director of budget and management, the tax 8088  
commissioner, the treasurer of state, the attorney general, and 8089  
the auditor of state. The governor shall serve as the chair of the 8090  
authority, the director of budget and management shall serve as 8091  
its secretary, and the authority shall have such other officers as 8092  
it determines, who may but need not be members of the authority. 8093  
Four members of the authority constitute a quorum and the 8094  
affirmative vote of four members is necessary for any action taken 8095  
by vote of the authority. No vacancy in the membership of the 8096  
authority shall impair the rights of a quorum by such vote to 8097  
exercise all the rights and perform all the duties of the 8098  
authority. Each of the members above identified may designate an 8099  
employee or officer of their office to attend meetings of the 8100  
authority when that member is absent or unable for any reason to 8101  
attend and that designee, when present, shall be counted in 8102  
determining whether a quorum is present at any meeting and may 8103  
vote and participate in all proceedings and actions of the 8104  
authority. A designee may not execute or cause a facsimile 8105  
signature to be placed on any obligation. That designation shall 8106  
be in writing, executed by the designating member, and be filed 8107  
with the secretary of the authority. A designation may be changed 8108  
from time to time by a similar written designation. The authority 8109  
may delegate to such of its members, officers, employees, or staff 8110  
as it determines those powers and duties as it deems appropriate. 8111  
No member of the authority or designee shall, by reason of being 8112  
or serving as a member of the authority, be required to abstain 8113  
from action in any other capacity as an incumbent of a state 8114  
office or position or from any action as a member of the authority 8115  
in any matter affecting or in any way pertaining to both that 8116  
office or position and the authority, or for any purpose be deemed 8117  
to be disqualified from either such office or position or as a 8118  
member of the authority by reason of so acting or to have violated 8119

any law by reason thereof. The authority may adopt and alter 8120  
bylaws and rules for the conduct of its affairs, including 8121  
provisions for meetings, and for the manner in which its powers 8122  
and functions are to be exercised and embodied, and may adopt and 8123  
alter at will an official seal to be affixed to official 8124  
documents, provided that the failure to affix any such seal shall 8125  
not affect the legality of such documents. Members of the 8126  
authority shall receive no added compensation for their services 8127  
as such members but may be reimbursed, as determined by the 8128  
authority, for their necessary and actual expenses incurred in the 8129  
conduct of the authority's business. The office of budget and 8130  
management shall provide staff support to the authority. 8131

Notwithstanding the existence of common management, the 8132  
authority shall be treated and accounted for as a separate and 8133  
independent legal entity with its separate purposes as set forth 8134  
in this section and section 183.51 of the Revised Code. The 8135  
assets, liabilities, and funds of the authority shall not be 8136  
consolidated or commingled with those of the state, and contracts 8137  
entered into by the authority shall be entered into in the name of 8138  
the authority and not in the name of the state. 8139

(C) In connection with the exercise of its powers pursuant to 8140  
this section and section 183.51 of the Revised Code, the authority 8141  
may enter into contracts and execute all instruments necessary or 8142  
incidental to the performance of the issuing authority's duties 8143  
and the execution of the issuing authority's powers and do all 8144  
other acts necessary or proper to the fulfillment of the issuing 8145  
authority's purposes and to carry out the powers expressly granted 8146  
in this section and section 183.51 of the Revised Code. 8147

**Sec. 307.021.** (A) It is hereby declared to be a public 8148  
purpose and function of the state, and a matter of urgent 8149  
necessity, that the state acquire, construct, or renovate capital 8150

facilities for use as county, multicounty, municipal-county, and 8151  
multicounty-municipal jail facilities or workhouses, as 8152  
single-county or district community-based correctional facilities 8153  
authorized under section 2301.51 of the Revised Code, as minimum 8154  
security misdemeanor jails under sections 341.34 and 753.21 of 8155  
the Revised Code, and as single-county or joint-county juvenile 8156  
facilities authorized under section 2151.65 of the Revised Code in 8157  
order to comply with constitutional standards and laws for the 8158  
incarceration of alleged and convicted offenders against state and 8159  
local laws, and for use as county family court centers. For these 8160  
purposes, counties and municipal corporations are designated as 8161  
state agencies to perform duties of the state in relation to such 8162  
facilities, workhouses, jails, and centers, and such facilities, 8163  
workhouses, jails, and centers are designated as state capital 8164  
facilities. The Ohio building authority is authorized to issue 8165  
revenue obligations under sections 152.09 to 152.33 of the Revised 8166  
Code to pay all or part of the cost of such state capital 8167  
facilities as are designated by law. 8168

The office of the sheriff, due to its responsibilities 8169  
concerning alleged and convicted offenders against state laws, is 8170  
designated as the state agency having jurisdiction over such jail, 8171  
workhouse, community-based correctional, or county minimum 8172  
security misdemeanor jail capital facilities in any one county or 8173  
over any district community-based correctional facilities. The 8174  
corrections commission, due to its responsibilities in relation to 8175  
such offenders, is designated as the state agency having 8176  
jurisdiction over any such multicounty, municipal-county, or 8177  
multicounty-municipal jail, workhouse, or correctional capital 8178  
facilities. The office of the chief of police or marshal of a 8179  
municipal corporation, due to its responsibilities concerning 8180  
certain alleged and convicted criminal offenders, is designated as 8181  
the state agency having jurisdiction over any such municipal 8182  
corporation minimum security misdemeanor jail capital facilities 8183

in the municipal corporation. The juvenile court, as defined in 8184  
section 2151.011 of the Revised Code, is designated as the branch 8185  
of state government having jurisdiction over any such family court 8186  
center or single-county or joint-county juvenile capital 8187  
facilities. It is hereby determined and declared that such capital 8188  
facilities are for the purpose of housing such state agencies, 8189  
their functions, equipment, and personnel. 8190

(B) The capital facilities provided for in this section may 8191  
be included in capital facilities in which one or more 8192  
governmental entities are participating or in which other 8193  
facilities of the county or counties, or any municipal 8194  
corporations, are included pursuant to section 152.31 or 152.33 of 8195  
the Revised Code or in an agreement between any county or counties 8196  
and any municipal corporation or municipal corporations for 8197  
participating in the joint construction, acquisition, or 8198  
improvement of public works, public buildings, or improvements 8199  
benefiting the parties in the same manner as set forth in section 8200  
153.61 of the Revised Code. 8201

(C) A county or counties or a municipal corporation or 8202  
municipal corporations may contribute to the cost of capital 8203  
facilities authorized under this section. 8204

(D) A county or counties, and any municipal corporations, 8205  
shall lease capital facilities described in this section that are 8206  
constructed, reconstructed, otherwise improved, or financed by the 8207  
Ohio building authority pursuant to sections 152.09 to 152.33 of 8208  
the Revised Code for the use of the county or counties and any 8209  
municipal corporations, and may enter into other agreements 8210  
ancillary to the construction, reconstruction, improvement, 8211  
financing, leasing, or operation of such capital facilities, 8212  
including, but not limited to, any agreements required by the 8213  
applicable bond proceedings authorized by sections 152.09 to 8214  
152.33 of the Revised Code. 8215

Such lease may obligate the county or counties and any 8216  
municipal corporation, as using state agencies under Chapter 152. 8217  
of the Revised Code, to occupy and operate such capital facilities 8218  
for such period of time as may be specified by law and to pay such 8219  
rent as the authority determines to be appropriate. 8220  
Notwithstanding any other section of the Revised Code, any county 8221  
or counties or municipal corporation may enter into such a lease, 8222  
and any such lease is legally sufficient to obligate the political 8223  
subdivision for the term stated in the lease. Any such lease 8224  
constitutes an agreement described in division (E) of section 8225  
152.24 of the Revised Code. 8226

(E) If rental payments required from the county or counties 8227  
or municipal corporation by a lease established pursuant to this 8228  
section are not paid in accordance with such lease, the funds 8229  
which otherwise would be apportioned to the lessees from the 8230  
county undivided local ~~government~~ communities fund, pursuant to 8231  
sections 5747.51 to 5747.53 of the Revised Code, shall be reduced 8232  
by the amount of rent payable to the authority. The county 8233  
treasurer immediately shall pay the amount of such reductions to 8234  
the authority. 8235

(F) Any lease of capital facilities authorized by this 8236  
section, the rentals of which are payable in whole or in part from 8237  
appropriations made by the general assembly, is governed by 8238  
division (D) of section 152.24 of the Revised Code. Such rentals 8239  
constitute available receipts as defined in section 152.09 of the 8240  
Revised Code and may be pledged for the payment of bond service 8241  
charges as provided in section 152.10 of the Revised Code. 8242

(G) Any provision of section 152.21, 152.22, or 152.26 of the 8243  
Revised Code that applies to buildings and facilities described in 8244  
section 152.19 of the Revised Code also applies to the buildings 8245  
and facilities described in this section, unless it is 8246  
inconsistent with this section. 8247

Sec. 307.37. (A) As used in division (B)(3) of this section, 8248  
"proposed new construction" means a proposal to erect, construct, 8249  
repair, alter, redevelop, or maintain a single-family, two-family, 8250  
or three-family dwelling or any structure that is regulated by the 8251  
Ohio building code. 8252

(B)(1)(a) The board of county commissioners may adopt local 8253  
residential building regulations governing residential buildings 8254  
as defined in section 3781.06 of the Revised Code, to be enforced 8255  
within the unincorporated area of the county or within districts 8256  
the board establishes in any part of the unincorporated area. No 8257  
local residential building regulation shall differ from the state 8258  
residential building code the board of building standards 8259  
establishes pursuant to Chapter 3781. of the Revised Code unless 8260  
the regulation addresses subject matter not addressed by the state 8261  
residential building code or is adopted pursuant to section 8262  
3781.01 of the Revised Code. 8263

(b) The board of county commissioners may, by resolution, 8264  
adopt, administer, and enforce within the unincorporated area of 8265  
the county, or within districts the board establishes in the 8266  
unincorporated area, an existing structures code pertaining to the 8267  
repair and continued maintenance of structures and the premises of 8268  
those structures provided that the existing structures code 8269  
governs subject matter not addressed by, and is not in conflict 8270  
with, the state residential building code adopted pursuant to 8271  
Chapter 3781. of the Revised Code. The board may adopt by 8272  
incorporation by reference a model or standard code prepared and 8273  
promulgated by the state, any agency of this state, or any private 8274  
organization that publishes a recognized or standard existing 8275  
structures code. 8276

(c) The board shall assign the duties of administering and 8277  
enforcing any local residential building regulations or existing 8278



structures code to a county officer or employee who is trained and 8279  
qualified for those duties and shall establish by resolution the 8280  
minimum qualifications necessary to perform those duties. 8281

(2) The board may adopt regulations for participation in the 8282  
national flood insurance program as defined in section 1521.01 of 8283  
the Revised Code and regulations for the purposes of section 8284  
1506.04 or 1506.07 of the Revised Code governing the prohibition, 8285  
location, erection, construction, redevelopment, or floodproofing 8286  
of new buildings or structures, substantial improvements to 8287  
existing buildings or structures, or other development in 8288  
unincorporated territory within flood hazard areas identified 8289  
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 8290  
42 U.S.C.A. 4002, as amended, or within Lake Erie coastal erosion 8291  
areas identified under section 1506.06 of the Revised Code, 8292  
including, but not limited to, residential, commercial, 8293  
institutional, or industrial buildings or structures or other 8294  
permanent structures, as defined in section 1506.01 of the Revised 8295  
Code. Rules adopted under division (B)(2) of this section shall 8296  
not conflict with the state residential and nonresidential 8297  
building codes adopted pursuant to section 3781.10 of the Revised 8298  
Code. 8299

(3)(a) A board may adopt regulations that provide for a 8300  
review of the specific effects of a proposed new construction on 8301  
existing surface or subsurface drainage. The regulations may 8302  
require reasonable drainage mitigation and reasonable alteration 8303  
of a proposed new construction before a building permit is issued 8304  
in order to prevent or correct any adverse effects that the 8305  
proposed new construction may have on existing surface or 8306  
subsurface drainage. The regulations shall not be inconsistent 8307  
with, more stringent than, or broader in scope than standards 8308  
adopted by the natural resource conservation service in the United 8309  
States department of agriculture concerning drainage or rules 8310

adopted by the environmental protection agency for reducing, 8311  
controlling, or mitigating storm water runoff from construction 8312  
sites, where applicable. The regulations shall allow a person who 8313  
is registered under Chapter 4703. or 4733. of the Revised Code to 8314  
prepare and submit relevant plans and other documents for review, 8315  
provided that the person is authorized to prepare the plans and 8316  
other documents pursuant to the person's registration. 8317

(b) If regulations are adopted under division (B)(3) of this 8318  
section, the board shall specify in the regulations a procedure 8319  
for the review of the specific effects of a proposed new 8320  
construction on existing surface or subsurface drainage. The 8321  
procedure shall include at a minimum all of the following: 8322

(i) A meeting at which the proposed new construction shall be 8323  
examined for those specific effects. The meeting shall be held 8324  
within thirty days after an application for a building permit is 8325  
filed or a review is requested unless the applicant agrees in 8326  
writing to extend that time period or to postpone the meeting to 8327  
another date, time, or place. The meeting shall be scheduled 8328  
within five days after an application for a building permit is 8329  
filed or a review is requested. 8330

(ii) Written notice of the date, time, and place of that 8331  
meeting, sent by regular mail to the applicant. The written notice 8332  
shall be mailed at least seven days before the scheduled meeting 8333  
date. 8334

(iii) Completion of the review by the board of county 8335  
commissioners not later than thirty days after the application for 8336  
a building permit is filed or a review is requested unless the 8337  
applicant has agreed in writing to extend that time period or 8338  
postpone the meeting to a later time, in which case the review 8339  
shall be completed not later than two days after the date of the 8340  
meeting. A complete review shall include the issuance of any order 8341  
of the board of county commissioners regarding necessary 8342

reasonable drainage mitigation and necessary reasonable 8343  
alterations to the proposed new construction to prevent or correct 8344  
any adverse effects on existing surface or subsurface drainage so 8345  
long as those alterations comply with the state residential and 8346  
nonresidential building codes adopted pursuant to section 3781.10 8347  
of the Revised Code. If the review is not completed within the 8348  
thirty-day period or an extended or postponed period that the 8349  
applicant has agreed to, the proposed new construction shall be 8350  
deemed to have no adverse effects on existing surface or 8351  
subsurface drainage, and those effects shall not be a valid basis 8352  
for the denial of a building permit. 8353

(iv) A written statement, provided to the applicant at the 8354  
meeting or in an order for alterations to a proposed new 8355  
construction, informing the applicant of the right to seek 8356  
appellate review of the denial of a building permit under division 8357  
(B)(3)(b)(iii) of this section by filing a petition in accordance 8358  
with Chapter 2506. of the Revised Code. 8359

(c) The regulations may authorize the board, after obtaining 8360  
the advice of the county engineer, to enter into an agreement with 8361  
the county engineer or another qualified person or entity to carry 8362  
out any necessary inspections and make evaluations about what, if 8363  
any, alterations are necessary to prevent or correct any adverse 8364  
effects that a proposed new construction may have on existing 8365  
surface or subsurface drainage. 8366

(d) Regulations adopted pursuant to division (B)(3) of this 8367  
section shall not apply to any property that a platting authority 8368  
has approved under section 711.05, 711.09, or 711.10 of the 8369  
Revised Code and shall not govern the same subject matter as the 8370  
state residential or nonresidential building codes adopted 8371  
pursuant to section 3781.10 of the Revised Code. 8372

(e) As used in division (B)(3) of this section, "subsurface 8373  
drainage" does not include a household sewage ~~treatment~~ disposal 8374

system as defined in section 3709.091 of the Revised Code. 8375

(C)(1) Any regulation, code, or amendment may be adopted 8376  
under this section only after a public hearing at not fewer than 8377  
two regular or special sessions of the board. The board shall 8378  
cause notice of any public hearing to be published in a newspaper 8379  
of general circulation in the county once a week for the two 8380  
consecutive weeks immediately preceding the hearing, except that 8381  
if the board posts the hearing notice on the board's internet site 8382  
on the world wide web, the board need publish only one notice of 8383  
the hearing in a newspaper of general circulation if that 8384  
newspaper notice includes the board's internet site and a 8385  
statement that the notice is also posted on the internet site. Any 8386  
notice of a public hearing shall include the time, date, and place 8387  
of the hearing. 8388

(2) Any proposed regulation, code, or amendment shall be made 8389  
available to the public at the board office. The regulations or 8390  
amendments shall take effect on the thirty-first day following the 8391  
date of their adoption. 8392

(D)(1) No person shall violate any regulation, code, or 8393  
amendment the board adopts under sections 307.37 to 307.40 of the 8394  
Revised Code. 8395

(2) Each day during which an illegal location, erection, 8396  
construction, floodproofing, repair, alteration, development, 8397  
redevelopment, or maintenance continues may be considered a 8398  
separate offense. 8399

(E) Regulations or amendments the board adopts pursuant to 8400  
this section, with the exception of an existing structures code, 8401  
do not affect buildings or structures that exist or on which 8402  
construction has begun on or before the date the board adopts the 8403  
regulation or amendment. 8404

(F)(1) The board may create a building department and employ 8405

the personnel it determines necessary to administer and enforce 8406  
any local residential building regulations or existing structures 8407  
code the board adopts pursuant to this section. The building 8408  
department may enforce the state residential and nonresidential 8409  
building codes adopted pursuant to Chapter 3781. of the Revised 8410  
Code if the building department is certified pursuant to section 8411  
3781.10 of the Revised Code to enforce those codes. 8412

(2) The board may direct the building department, upon 8413  
certification, to exercise enforcement authority and to accept and 8414  
approve plans pursuant to sections 3781.03 and 3791.04 of the 8415  
Revised Code for the class of building for which the department 8416  
and personnel are certified. 8417

**Sec. 307.695.** (A) As used in this section: 8418

(1) "Arena" means any structure designed and constructed for 8419  
the purpose of providing a venue for public entertainment and 8420  
recreation by the presentation of concerts, sporting and athletic 8421  
events, and other events and exhibitions, including facilities 8422  
intended to house or provide a site for one or more athletic or 8423  
sports teams or activities, spectator facilities, parking 8424  
facilities, walkways, and auxiliary facilities, real and personal 8425  
property, property rights, easements, leasehold estates, and 8426  
interests that may be appropriate for, or used in connection with, 8427  
the operation of the arena. 8428

(2) "Convention center" means any structure expressly 8429  
designed and constructed for the purposes of presenting 8430  
conventions, public meetings, and exhibitions and includes parking 8431  
facilities that serve the center and any personal property used in 8432  
connection with any such structure or facilities. 8433

(3) "Eligible county" means a county having a population of 8434  
at least four hundred thousand but not more than eight hundred 8435  
thousand according to the 2000 federal decennial census and that 8436

directly borders the geographic boundaries of another state. 8437

(4) "Entity" means a nonprofit corporation, a municipal 8438  
corporation, a port authority created under Chapter 4582. of the 8439  
Revised Code, or a convention facilities authority created under 8440  
Chapter 351. of the Revised Code. 8441

(5) "Lodging taxes" means excise taxes levied under division 8442  
(A)(1), (A)(2), or (C) of section 5739.09 of the Revised Code and 8443  
the revenues arising therefrom. 8444

(6) "Nonprofit corporation" means a nonprofit corporation 8445  
that is organized under the laws of this state and that includes 8446  
within the purposes for which it is incorporated the authorization 8447  
to lease and operate facilities such as a convention center or an 8448  
arena or a combination of an arena and convention center. 8449

(7) "Project" means acquiring, constructing, reconstructing, 8450  
renovating, rehabilitating, expanding, adding to, equipping, 8451  
furnishing or otherwise improving an arena, a convention center, 8452  
or a combination of an arena and convention center. For purposes 8453  
of this section, a project is a permanent improvement for one 8454  
purpose under Chapter 133. of the Revised Code. 8455

(8) "Project revenues" means money received by ~~an eligible a~~ 8456  
county with a population of four hundred thousand or more, other 8457  
than money from taxes or from the proceeds of securities secured 8458  
by taxes, in connection with, derived from, related to, or 8459  
resulting from a project, including, but not limited to, rentals 8460  
and other payments received under a lease or agreement with 8461  
respect to the project, ticket charges or surcharges for admission 8462  
to events at a project, charges or surcharges for parking for 8463  
events at a project, charges for the use of a project or any 8464  
portion of a project, including suites and seating rights, the 8465  
sale of naming rights for the project or a portion of the project, 8466  
unexpended proceeds of any county revenue bonds issued for the 8467

project, and any income and profit from the investment of the 8468  
proceeds of any such revenue bonds or any project revenues. 8469

(9) "Chapter 133. securities," "debt charges," "general 8470  
obligation," "legislation," "one purpose," "outstanding," 8471  
"permanent improvement," "person," and "securities" have the 8472  
meanings given to those terms in section 133.01 of the Revised 8473  
Code. 8474

(B) A board of county commissioners may enter into an 8475  
agreement with a convention and visitors' bureau operating in the 8476  
county under which: 8477

(1) The bureau agrees to construct and equip a convention 8478  
center in the county and to pledge and contribute from the tax 8479  
revenues received by it under division (A) of section 5739.09 of 8480  
the Revised Code, not more than such portion thereof that it is 8481  
authorized to pledge and contribute for the purpose described in 8482  
division (C) of this section; and 8483

(2) The board agrees to levy a tax under division (C) of 8484  
section 5739.09 of the Revised Code and pledge and contribute the 8485  
revenues therefrom for the purpose described in division (C) of 8486  
this section. 8487

(C) The purpose of the pledges and contributions described in 8488  
divisions (B)(1) and (2) of this section is payment of principal, 8489  
interest, and premium, if any, on bonds and notes issued by or for 8490  
the benefit of the bureau to finance the construction and 8491  
equipping of a convention center. The pledges and contributions 8492  
provided for in the agreement shall be for the period stated in 8493  
the agreement. Revenues determined from time to time by the board 8494  
to be needed to cover the real and actual costs of administering 8495  
the tax imposed by division (C) of section 5739.09 of the Revised 8496  
Code may not be pledged or contributed. The agreement shall 8497  
provide that any such bonds and notes shall be secured by a trust 8498

agreement between the bureau or other issuer acting for the 8499  
benefit of the bureau and a corporate trustee that is a trust 8500  
company or bank having the powers of a trust company within or 8501  
without the state, and the trust agreement shall pledge or assign 8502  
to the retirement of the bonds or notes, all moneys paid by the 8503  
county under this section. A tax the revenues from which are 8504  
pledged under an agreement entered into by a board of county 8505  
commissioners under this section shall not be subject to 8506  
diminution by initiative or referendum, or diminution by statute, 8507  
unless provision is made therein for an adequate substitute 8508  
therefor reasonably satisfactory to the trustee under the trust 8509  
agreement that secures the bonds and notes. 8510

(D) A pledge of money by a county under division (B) of this 8511  
section shall not be indebtedness of the county for purposes of 8512  
Chapter 133. of the Revised Code. 8513

(E) If the terms of the agreement so provide, the board of 8514  
county commissioners may acquire and lease real property to the 8515  
convention bureau as the site of the convention center. The lease 8516  
shall be on such terms as are set forth in the agreement. The 8517  
purchase and lease are not subject to the limitations of sections 8518  
307.02 and 307.09 of the Revised Code. 8519

(F) In addition to the authority granted to a board of county 8520  
commissioners under divisions (B) to (E) of this section, a board 8521  
of county commissioners in a county with a population of one 8522  
million two hundred thousand or more, or a county with a 8523  
population greater than four hundred thousand but less than five 8524  
hundred thousand, may establish and provide local funding options 8525  
for constructing and equipping a convention center. 8526

(G) The board of county commissioners of ~~an eligible~~ a county 8527  
with a population of four hundred thousand or more may undertake, 8528  
finance, operate, and maintain a project. The board may lease a 8529  
project to an entity on terms that the board determines to be in 8530



the best interest of the county and in furtherance of the public 8531  
purpose of the project; the lease may be for a term of thirty-five 8532  
years or less and may provide for an option of the entity to renew 8533  
the lease for a term of thirty-five years or less. The board may 8534  
enter into an agreement with an entity with respect to a project 8535  
on terms that the board determines to be in the best interest of 8536  
the county and in furtherance of the public purpose of the 8537  
project. To the extent provided for in an agreement or a lease 8538  
with an entity, the board may authorize the entity to administer 8539  
on behalf of the board any contracts for the project. The board 8540  
may enter into an agreement providing for the sale to a person of 8541  
naming rights to a project or portion of a project, for a period, 8542  
for consideration, and on other terms and conditions that the 8543  
board determines to be in the best interest of the county and in 8544  
furtherance of the public purpose of the project. The board may 8545  
enter into an agreement with a person owning or operating a 8546  
professional athletic or sports team providing for the use by that 8547  
person of a project or portion of a project for that team's 8548  
offices, training, practices, and home games for a period, for 8549  
consideration, and on other terms and conditions that the board 8550  
determines to be in the best interest of the county and in 8551  
furtherance of the public purpose of the project. The board may 8552  
establish ticket charges or surcharges for admission to events at 8553  
a project, charges or surcharges for parking for events at a 8554  
project, and charges for the use of a project or any portion of a 8555  
project, including suites and seating rights, and may, as 8556  
necessary, enter into agreements related thereto with persons for 8557  
a period, for consideration, and on other terms and conditions 8558  
that the board determines to be in the best interest of the county 8559  
and in furtherance of the public purpose of the project. A lease 8560  
or agreement authorized by this division is not subject to 8561  
sections 307.02, 307.09, and 307.12 of the Revised Code. 8562

(H) Notwithstanding any contrary provision in Chapter 5739. 8563

of the Revised Code, after adopting a resolution declaring it to 8564  
be in the best interest of the county to undertake a project as 8565  
described in division (G) of this section, the board of county 8566  
commissioners of an eligible county may adopt a resolution 8567  
enacting or increasing any lodging taxes within the limits 8568  
specified in Chapter 5739. of the Revised Code with respect to 8569  
those lodging taxes and amending any prior resolution under which 8570  
any of its lodging taxes have been imposed in order to provide 8571  
that those taxes, after deducting the real and actual costs of 8572  
administering the taxes and any portion of the taxes returned to 8573  
any municipal corporation or township as provided in division 8574  
(A)(1) of section 5739.09 of the Revised Code, shall be used by 8575  
the board for the purposes of undertaking, financing, operating, 8576  
and maintaining the project, including paying debt charges on any 8577  
securities issued by the board under division (I) of this section, 8578  
or to make contributions to the convention and visitors' bureau 8579  
operating within the county, or to promote, advertise, and market 8580  
the region in which the county is located, all as the board may 8581  
determine and make appropriations for from time to time, subject 8582  
to the terms of any pledge to the payment of debt charges on 8583  
outstanding general obligation securities or special obligation 8584  
securities authorized under division (I) of this section. A 8585  
resolution adopted under division (H) of this section shall be 8586  
adopted not earlier than January 15, 2007, and not later than 8587  
January 15, 2008. 8588

A resolution adopted under division (H) of this section may 8589  
direct the board of elections to submit the question of enacting 8590  
or increasing lodging taxes, as the case may be, to the electors 8591  
of the county at a special election held on the date specified by 8592  
the board in the resolution, provided that the election occurs not 8593  
less than seventy-five days after a certified copy of the 8594  
resolution is transmitted to the board of elections and no later 8595  
than January 15, 2008. A resolution submitted to the electors 8596

under this division shall not go into effect unless it is approved 8597  
by a majority of those voting upon it. A resolution adopted under 8598  
division (H) of this section that is not submitted to the electors 8599  
of the county for their approval or disapproval is subject to a 8600  
referendum as provided in sections 305.31 to 305.41 of the Revised 8601  
Code. 8602

A resolution adopted under division (H) of this section takes 8603  
effect upon its adoption, unless the resolution is submitted to 8604  
the electors of the county for their approval or disapproval, in 8605  
which case the resolution takes effect on the date the board of 8606  
county commissioners receives notification from the board of 8607  
elections of the affirmative vote. Lodging taxes received after 8608  
the effective date of the resolution may be used for the purposes 8609  
described in division (H) of this section, except that lodging 8610  
taxes that have been pledged to the payment of debt charges on any 8611  
bonds or notes issued by or for the benefit of a convention and 8612  
visitors' bureau under division (C) of this section shall be used 8613  
exclusively for that purpose until such time as the bonds or notes 8614  
are no longer outstanding under the trust agreement securing those 8615  
bonds or notes. 8616

(I)(1) The board of county commissioners of ~~an eligible a~~ 8617  
county with a population of four hundred thousand or more may 8618  
issue the following securities of the county for the purpose of 8619  
paying costs of the project, refunding any outstanding county 8620  
securities issued for that purpose, refunding any outstanding 8621  
bonds or notes issued by or for the benefit of the bureau under 8622  
division (C) of this section, or for any combination of those 8623  
purposes: 8624

(a) General obligation securities issued under Chapter 133. 8625  
of the Revised Code. The resolution authorizing these securities 8626  
may include covenants to appropriate annually from lawfully 8627  
available lodging taxes, and to continue to levy and collect those 8628

lodging taxes in, amounts necessary to meet the debt charges on 8629  
those securities. 8630

(b) Special obligation securities issued under Chapter 133. 8631  
of the Revised Code that are secured only by lawfully available 8632  
lodging taxes and any other taxes and revenues pledged to pay the 8633  
debt charges on those securities, except ad valorem property 8634  
taxes. The resolution authorizing those securities shall include a 8635  
pledge of and covenants to appropriate annually from lawfully 8636  
available lodging taxes and any other taxes and revenues pledged 8637  
for such purpose, and to continue to collect any of those revenues 8638  
pledged for such purpose and to levy and collect those lodging 8639  
taxes and any other taxes pledged for such purpose, in amounts 8640  
necessary to meet the debt charges on those securities. The pledge 8641  
is valid and binding from the time the pledge is made, and the 8642  
lodging taxes so pledged and thereafter received by the county are 8643  
immediately subject to the lien of the pledge without any physical 8644  
delivery of the lodging taxes or further act. The lien of any 8645  
pledge is valid and binding as against all parties having claims 8646  
of any kind in tort, contract, or otherwise against the county, 8647  
regardless of whether such parties have notice of the lien. 8648  
Neither the resolution nor any trust agreement by which a pledge 8649  
is created or further evidenced is required to be filed or 8650  
recorded except in the records of the board. The special 8651  
obligation securities shall contain a statement on their face to 8652  
the effect that they are not general obligation securities, and, 8653  
unless paid from other sources, are payable from the pledged 8654  
lodging taxes. 8655

(c) Revenue securities authorized under section 133.08 of the 8656  
Revised Code and issued under Chapter 133. of the Revised Code 8657  
that are secured only by lawfully available project revenues 8658  
pledged to pay the debt charges on those securities. 8659

(2) The securities described in division (I)(1) of this 8660

section are subject to Chapter 133. of the Revised Code. 8661

(3) Section 133.34 of the Revised Code, except for division 8662  
(A) of that section, applies to the issuance of any refunding 8663  
securities authorized under this division. In lieu of division (A) 8664  
of section 133.34 of the Revised Code, the board of county 8665  
commissioners shall establish the maturity date or dates, the 8666  
interest payable on, and other terms of refunding securities as it 8667  
considers necessary or appropriate for their issuance, provided 8668  
that the final maturity of refunding securities shall not exceed 8669  
by more than ten years the final maturity of any bonds refunded by 8670  
refunding securities. 8671

(4) The board may not repeal, rescind, or reduce all or any 8672  
portion of any lodging taxes pledged to the payment of debt 8673  
charges on any outstanding special obligation securities 8674  
authorized under this division, and no portion of any lodging 8675  
taxes that is pledged, or that the board has covenanted to levy, 8676  
collect, and appropriate annually to pay debt charges on any 8677  
outstanding securities authorized under this division is subject 8678  
to repeal, rescission, or reduction by the electorate of the 8679  
county. 8680

**Sec. 307.6910.** (A) As used in this section, "contracting 8681  
subdivision" means any political subdivision or taxing district 8682  
that enters into an agreement with a board of county commissioners 8683  
as authorized by this section. 8684

(B) A board of county commissioners may enter into an 8685  
agreement with the legislative authority of one or more political 8686  
subdivisions or taxing districts located wholly or partially 8687  
within the territorial boundaries of the county providing for both 8688  
of the following: 8689

(1) Authorization for the board of county commissioners to 8690  
receive funds due the political subdivision or taxing district 8691

from the county treasury, other than funds raised by taxes levied 8692  
by the political subdivision or taxing district, including, but 8693  
not limited to, the political subdivision's or taxing district's 8694  
share of the undivided local ~~government~~ communities fund, provided 8695  
those received funds may lawfully be applied to the purpose for 8696  
which money is owed to the county; 8697

(2) The crediting of the funds so received by the county 8698  
against money owed to it by the political subdivision or taxing 8699  
district. 8700

The agreement shall be in writing and include the signature 8701  
of an authorized officer or representative of the county and of 8702  
the political subdivision or taxing district. 8703

(C) Upon entering into an agreement, the board of county 8704  
commissioners shall cause two copies of the agreement, certified 8705  
by an authorized officer or representative of the county and of 8706  
the contracting subdivision, to be transmitted to the county 8707  
auditor. The county auditor shall forward one copy of the 8708  
agreement to the county treasurer and shall present the other copy 8709  
of the agreement to the county budget commission. The county 8710  
budget commission shall give effect to the agreement in 8711  
determining or revising the amounts to be credited to the funds of 8712  
the county and the contracting subdivision in the official or 8713  
amended official certificate of estimated resources under sections 8714  
5705.35 and 5705.36 of the Revised Code. 8715

(D) The county auditor may rely on the certified agreement 8716  
entered into under division (B) of this section for the purpose of 8717  
making a certification under division (D) of section 5705.41 of 8718  
the Revised Code for a county contract or order of money incurred 8719  
on behalf of the contracting subdivision if the county auditor 8720  
finds that the amount credited to the county under division (B)(2) 8721  
of this section is available in the amount and at the time 8722  
necessary to meet the obligation. 8723

(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.

(F) The terms of an agreement entered into under this section may be enforced in the court of common pleas of the county that is a party to the agreement in an action for a writ of mandamus. For purposes of that action, it shall be deemed that the legislative authority of the contracting subdivision has a duty to allow payments to the county as specified in the agreement, that the board of county commissioners of the county has a duty to receive those payments in the manner specified in the agreement, and that those duties are specifically enjoined by law and result from an office, trust, or station.

**Sec. 307.98.** ~~Boards~~ As used in this section, "county grantee" has the same meaning as in section 5101.21 of the Revised Code.

Each board of county commissioners may and each other county grantee of the county shall jointly enter into one or more written fiscal grant agreements with the director of job and family services in accordance with section 5101.21 of the Revised Code. ~~If a board enters into a fiscal agreement, the~~ The board of county commissioners shall enter into the agreement on behalf of the county family services agencies, other than a county family services agency that is a county signer as defined in section 5101.21 of the Revised Code grantee.

**Sec. 307.981.** (A)(1) As used in the Revised Code:

(a) "County family services agency" means all of the	8754
following:	8755
(i) A child support enforcement agency;	8756
(ii) A county department of job and family services;	8757
(iii) A public children services agency.	8758
(b) "Family services duty" means a duty state law requires or	8759
allows a county family services agency to assume, including	8760
financial and general administrative duties. "Family services	8761
duty" does not include a duty funded by the United States	8762
department of labor.	8763
(2) As used in sections 307.981 to 307.989 of the Revised	8764
Code, "private entity" means an entity other than a government	8765
entity.	8766
(B) To the extent permitted by federal law, including, when	8767
applicable, subpart F of 5 C.F.R. part 900, and subject to any	8768
limitations established by the Revised Code, including division	8769
(H) of this section, a board of county commissioners may designate	8770
any private or government entity within this state to serve as any	8771
of the following:	8772
(1) A child support enforcement agency;	8773
(2) A county department of job and family services;	8774
(3) A public children services agency;	8775
(4) A county department of job and family services and one	8776
other of those county family services agencies;	8777
(5) All three of those county family services agencies.	8778
(C) To the extent permitted by federal law, including, when	8779
applicable, subpart F of 5 C.F.R. part 900, and subject to any	8780
limitations of the Revised Code, including division (H) of this	8781
section, a board of county commissioners may change the	8782



designation it makes under division (B) of this section by 8783  
designating another private or government entity. 8784

(D) If a designation under division (B) or (C) of this 8785  
section constitutes a change from the designation in a ~~fiscal~~ 8786  
grant agreement between the director of job and family services 8787  
and the board under sections 307.98 and 5101.21 of the Revised 8788  
Code, the director may require that the director and board amend 8789  
the ~~fiscal~~ grant agreement and that the board provide the director 8790  
written assurances that the newly designated private or government 8791  
entity will meet or exceed all requirements of the family services 8792  
duties the entity is to assume. 8793

(E) Not less than sixty days before a board of county 8794  
commissioners designates an entity under division (B) or (C) of 8795  
this section, the board shall notify the director of job and 8796  
family services and publish notice in a newspaper of general 8797  
circulation in the county of the board's intention to make the 8798  
designation and reasons for the designation. 8799

(F) A board of county commissioners shall enter into a 8800  
written contract with each entity it designates under division (B) 8801  
or (C) of this section specifying the entity's responsibilities 8802  
and standards the entity is required to meet. 8803

(G) This section does not require a board of county 8804  
commissioners to abolish the child support enforcement agency, 8805  
county department of job and family services, or public children 8806  
services agency serving the county on October 1, 1997, and 8807  
designate a different private or government entity to serve as the 8808  
county's child support enforcement agency, county department of 8809  
job and family services, or public children services agency. 8810

(H) If a county children services board appointed under 8811  
section 5153.03 of the Revised Code serves as a public children 8812  
services agency for a county, the board of county commissioners 8813

may not redesignate the public children services agency unless the board of county commissioners does all of the following:

(1) Notifies the county children services board of its intent to redesignate the public children services agency. In its notification, the board of county commissioners shall provide the county children services board a written explanation of the administrative, fiscal, or performance considerations causing the board of county commissioners to seek to redesignate the public children services agency.

(2) Provides the county children services board an opportunity to comment on the proposed redesignation before the redesignation occurs;

(3) If the county children services board, not more than sixty days after receiving the notice under division (H)(1) of this section, notifies the board of county commissioners that the county children services board has voted to oppose the redesignation, votes unanimously to proceed with the redesignation.

**Sec. 308.04.** Within sixty days after a regional airport authority has been created under section 308.03 of the Revised Code, the board of trustees for such regional airport authority shall be appointed as provided in the resolution creating it.

Each member of the board of trustees, before entering upon ~~his~~ the member's official duties, shall take and subscribe to an oath or affirmation that ~~he~~ the member will honestly, faithfully, and impartially perform the duties of ~~his~~ office, and that ~~he~~ the member will not be interested directly or indirectly in any contract let by the regional airport authority. Any contract let by the regional airport authority in which a member of the board of trustees is directly or indirectly interested is void and unenforceable.

After each member of the board has taken the oath as 8845  
prescribed by this section the board shall meet and organize by 8846  
electing one of its members as president and another as 8847  
vice-president, who shall hold their respective offices until the 8848  
next annual meeting of the board as provided in its bylaws. At 8849  
each annual meeting thereafter the board shall elect from its 8850  
membership a president and a vice-president who shall serve for a 8851  
term of one year. 8852

The board shall appoint and fix the compensation of a 8853  
secretary-treasurer, who shall not be a member of the board and 8854  
who shall serve at the pleasure of the board. 8855

**Sec. 317.08.** (A) Except as provided in divisions (C) and (D) 8856  
of this section, the county recorder shall keep six separate sets 8857  
of records as follows: 8858

(1) A record of deeds, in which shall be recorded all deeds 8859  
and other instruments of writing for the absolute and 8860  
unconditional sale or conveyance of lands, tenements, and 8861  
hereditaments; all notices as provided in sections 5301.47 to 8862  
5301.56 of the Revised Code; all judgments or decrees in actions 8863  
brought under section 5303.01 of the Revised Code; all 8864  
declarations and bylaws, and all amendments to declarations and 8865  
bylaws, as provided in Chapter 5311. of the Revised Code; 8866  
affidavits as provided in sections 5301.252 and 5301.56 of the 8867  
Revised Code; all certificates as provided in section 5311.17 of 8868  
the Revised Code; all articles dedicating archaeological preserves 8869  
accepted by the director of the Ohio historical society under 8870  
section 149.52 of the Revised Code; all articles dedicating nature 8871  
preserves accepted by the director of natural resources under 8872  
section 1517.05 of the Revised Code; all agreements for the 8873  
registration of lands as archaeological or historic landmarks 8874  
under section 149.51 or 149.55 of the Revised Code; all 8875

conveyances of conservation easements and agricultural easements 8876  
under section 5301.68 of the Revised Code; all instruments 8877  
extinguishing agricultural easements under section 901.21 or 8878  
5301.691 of the Revised Code or pursuant to terms of such an 8879  
easement granted to a charitable organization under section 8880  
5301.68 of the Revised Code; all instruments or orders described 8881  
in division (B)(2)(b) of section 5301.56 of the Revised Code; all 8882  
no further action letters issued under section 122.654 or 3746.11 8883  
of the Revised Code; all covenants not to sue issued under section 8884  
3746.12 of the Revised Code, including all covenants not to sue 8885  
issued pursuant to section 122.654 of the Revised Code; any 8886  
restrictions on the use of property contained in a no further 8887  
action letter issued under section 122.654 of the Revised Code, 8888  
any restrictions on the use of property identified pursuant to 8889  
division (C)(3)(a) of section 3746.10 of the Revised Code, and any 8890  
restrictions on the use of property contained in a deed or other 8891  
instrument as provided in division (E) or (F) of section 3737.882 8892  
of the Revised Code; any easement executed or granted under 8893  
section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code; 8894  
any environmental covenant entered into in accordance with 8895  
sections 5301.80 to 5301.92 of the Revised Code; all memoranda of 8896  
trust, as described in division (A) of section 5301.255 of the 8897  
Revised Code, that describe specific real property; and all 8898  
agreements entered into under division (A) of section ~~1521.26~~ 8899  
1506.44 of the Revised Code; 8900

(2) A record of mortgages, in which shall be recorded all of 8901  
the following: 8902

(a) All mortgages, including amendments, supplements, 8903  
modifications, and extensions of mortgages, or other instruments 8904  
of writing by which lands, tenements, or hereditaments are or may 8905  
be mortgaged or otherwise conditionally sold, conveyed, affected, 8906  
or encumbered; 8907

(b) All executory installment contracts for the sale of land 8908  
executed after September 29, 1961, that by their terms are not 8909  
required to be fully performed by one or more of the parties to 8910  
them within one year of the date of the contracts; 8911

(c) All options to purchase real estate, including 8912  
supplements, modifications, and amendments of the options, but no 8913  
option of that nature shall be recorded if it does not state a 8914  
specific day and year of expiration of its validity; 8915

(d) Any tax certificate sold under section 5721.33 of the 8916  
Revised Code, or memorandum of it, that is presented for filing of 8917  
record. 8918

(3) A record of powers of attorney, including all memoranda 8919  
of trust, as described in division (A) of section 5301.255 of the 8920  
Revised Code, that do not describe specific real property; 8921

(4) A record of plats, in which shall be recorded all plats 8922  
and maps of town lots, of the subdivision of town lots, and of 8923  
other divisions or surveys of lands, any center line survey of a 8924  
highway located within the county, the plat of which shall be 8925  
furnished by the director of transportation or county engineer, 8926  
and all drawings and amendments to drawings, as provided in 8927  
Chapter 5311. of the Revised Code; 8928

(5) A record of leases, in which shall be recorded all 8929  
leases, memoranda of leases, and supplements, modifications, and 8930  
amendments of leases and memoranda of leases; 8931

(6) A record of declarations executed pursuant to section 8932  
2133.02 of the Revised Code and durable powers of attorney for 8933  
health care executed pursuant to section 1337.12 of the Revised 8934  
Code. 8935

(B) All instruments or memoranda of instruments entitled to 8936  
record shall be recorded in the proper record in the order in 8937  
which they are presented for record. The recorder may index, keep, 8938

and record in one volume unemployment compensation liens, internal 8939  
revenue tax liens and other liens in favor of the United States as 8940  
described in division (A) of section 317.09 of the Revised Code, 8941  
personal tax liens, mechanic's liens, agricultural product liens, 8942  
notices of liens, certificates of satisfaction or partial release 8943  
of estate tax liens, discharges of recognizances, excise and 8944  
franchise tax liens on corporations, broker's liens, and liens 8945  
provided for in sections 1513.33, 1513.37, 3752.13, 5111.022, and 8946  
5311.18 of the Revised Code. 8947

The recording of an option to purchase real estate, including 8948  
any supplement, modification, and amendment of the option, under 8949  
this section shall serve as notice to any purchaser of an interest 8950  
in the real estate covered by the option only during the period of 8951  
the validity of the option as stated in the option. 8952

(C) In lieu of keeping the six separate sets of records 8953  
required in divisions (A)(1) to (6) of this section and the 8954  
records required in division (D) of this section, a county 8955  
recorder may record all the instruments required to be recorded by 8956  
this section in two separate sets of record books. One set shall 8957  
be called the "official records" and shall contain the instruments 8958  
listed in divisions (A)(1), (2), (3), (5), and (6) and (D) of this 8959  
section. The second set of records shall contain the instruments 8960  
listed in division (A)(4) of this section. 8961

(D) Except as provided in division (C) of this section, the 8962  
county recorder shall keep a separate set of records containing 8963  
all corrupt activity lien notices filed with the recorder pursuant 8964  
to section 2923.36 of the Revised Code and a separate set of 8965  
records containing all medicaid fraud lien notices filed with the 8966  
recorder pursuant to section 2933.75 of the Revised Code. 8967

**Sec. 319.202.** Before the county auditor indorses any real 8968  
property conveyance or manufactured or mobile home conveyance 8969

presented to the auditor pursuant to section 319.20 of the Revised Code or registers any manufactured or mobile home conveyance pursuant to section 4503.061 of the Revised Code, the grantee or the grantee's representative shall submit in triplicate a statement, prescribed by the tax commissioner, and other information as the county auditor may require, declaring the value of real property or manufactured or mobile home conveyed, except that when the transfer is exempt under division ~~(F)~~(G)(3) of section 319.54 of the Revised Code only a statement of the reason for the exemption shall be required. Each statement submitted under this section shall contain the information required under divisions (A) and (B) of this section.

(A) Each statement submitted under this section shall either:

(1) Contain an affirmation by the grantee that the grantor has been asked by the grantee or the grantee's representative whether to the best of the grantor's knowledge either the preceding or the current year's taxes on the real property or the current or following year's taxes on the manufactured or mobile home conveyed will be reduced under division (A) of section 323.152 or under section 4503.065 of the Revised Code and that the grantor indicated that to the best of the grantor's knowledge the taxes will not be so reduced; or

(2) Be accompanied by a sworn or affirmed instrument stating:

(a) To the best of the grantor's knowledge the real property or the manufactured or mobile home that is the subject of the conveyance is eligible for and will receive a reduction in taxes for or payable in the current year under division (A) of section 323.152 or under section 4503.065 of the Revised Code and that the reduction or reductions will be reflected in the grantee's taxes;

(b) The estimated amount of such reductions that will be reflected in the grantee's taxes;

(c) That the grantor and the grantee have considered and accounted for the total estimated amount of such reductions to the satisfaction of both the grantee and the grantor. The auditor shall indorse the instrument, return it to the grantee or the grantee's representative, and provide a copy of the indorsed instrument to the grantor or the grantor's representative.

(B) Each statement submitted under this section shall either:

(1) Contain an affirmation by the grantee that the grantor has been asked by the grantee or the grantee's representative whether to the best of the grantor's knowledge the real property conveyed qualified for the current agricultural use valuation under section 5713.30 of the Revised Code either for the preceding or the current year and that the grantor indicated that to the best of the grantor's knowledge the property conveyed was not so qualified; or

(2) Be accompanied by a sworn or affirmed instrument stating:

(a) To the best of the grantor's knowledge the real property conveyed was qualified for the current agricultural use valuation under section 5713.30 of the Revised Code either for the preceding or the current year;

(b) To the extent that the property will not continue to qualify for the current agricultural use valuation either for the current or the succeeding year, that the property will be subject to a recoupment charge equal to the tax savings in accordance with section 5713.34 of the Revised Code;

(c) That the grantor and the grantee have considered and accounted for the total estimated amount of such recoupment, if any, to the satisfaction of both the grantee and the grantor. The auditor shall indorse the instrument, forward it to the grantee or the grantee's representative, and provide a copy of the indorsed instrument to the grantor or the grantor's representative.



(C) The grantor shall pay the fee required by division 9032  
~~(F)~~(G)(3) of section 319.54 of the Revised Code; and, in the event 9033  
the board of county commissioners of the county has levied a real 9034  
property or a manufactured home transfer tax pursuant to Chapter 9035  
322. of the Revised Code, the amount required by the real property 9036  
or manufactured home transfer tax so levied. If the conveyance is 9037  
exempt from the fee provided for in division ~~(F)~~(G)(3) of section 9038  
319.54 of the Revised Code and the tax, if any, levied pursuant to 9039  
Chapter 322. of the Revised Code, the reason for such exemption 9040  
shall be shown on the statement. "Value" means, in the case of any 9041  
deed or certificate of title not a gift in whole or part, the 9042  
amount of the full consideration therefor, paid or to be paid for 9043  
the real estate or manufactured or mobile home described in the 9044  
deed or title, including the amount of any mortgage or vendor's 9045  
lien thereon. If property sold under a land installment contract 9046  
is conveyed by the seller under such contract to a third party and 9047  
the contract has been of record at least twelve months prior to 9048  
the date of conveyance, "value" means the unpaid balance owed to 9049  
the seller under the contract at the time of the conveyance, but 9050  
the statement shall set forth the amount paid under such contract 9051  
prior to the date of conveyance. In the case of a gift in whole or 9052  
part, "value" means the estimated price the real estate or 9053  
manufactured or mobile home described in the deed or certificate 9054  
of title would bring in the open market and under the then 9055  
existing and prevailing market conditions in a sale between a 9056  
willing seller and a willing buyer, both conversant with the 9057  
property and with prevailing general price levels. No person shall 9058  
willfully falsify the value of property conveyed. 9059

(D) The auditor shall indorse each conveyance on its face to 9060  
indicate the amount of the conveyance fee and compliance with this 9061  
section. The auditor shall retain the original copy of the 9062  
statement of value, forward to the tax commissioner one copy on 9063  
which shall be noted the most recent assessed value of the 9064

property, and furnish one copy to the grantee or the grantee's 9065  
representative. 9066

(E) In order to achieve uniform administration and collection 9067  
of the transfer fee required by division ~~(F)~~(G)(3) of section 9068  
319.54 of the Revised Code, the tax commissioner shall adopt and 9069  
promulgate rules for the administration and enforcement of the 9070  
levy and collection of such fee. 9071

**Sec. 319.281.** The county auditor shall place on the general 9072  
tax list and duplicate compiled in accordance with section 319.28 9073  
of the Revised Code the amount certified by the health 9074  
commissioner of a city or general health district pursuant to 9075  
section 3709.091 of the Revised Code of any unpaid operation 9076  
permit or inspection fee for a household sewage treatment disposal 9077  
~~system or a small flow on site sewage treatment system or any~~ 9078  
~~other unpaid fee levied under Chapter 3718. of the Revised Code~~ 9079  
and any accrued late payment penalties, together with any fee 9080  
charged by the county auditor for placing the amount on the 9081  
general tax list and duplicate and for the expenses of its 9082  
collection. The amount placed on the general tax list and 9083  
duplicate shall be a lien on the real property on which the 9084  
household sewage treatment disposal system ~~or small flow on site~~ 9085  
~~sewage treatment system~~ is located from the date the amount was 9086  
placed on the tax list and duplicate, and shall be charged and 9087  
collected in the same manner as taxes on the list. 9088

**Sec. 319.54.** (A) On all moneys collected by the county 9089  
treasurer on any tax duplicate of the county, other than estate 9090  
tax duplicates, and on all moneys received as advance payments of 9091  
personal property and classified property taxes, the county 9092  
auditor, on settlement with the treasurer and tax commissioner, on 9093  
or before the date prescribed by law for such settlement or any 9094  
lawful extension of such date, shall be allowed as compensation 9095

for the county auditor's services the following percentages: 9096

(1) On the first one hundred thousand dollars, two and 9097  
one-half per cent; 9098

(2) On the next two million dollars, eight thousand three 9099  
hundred eighteen ten-thousandths of one per cent; 9100

(3) On the next two million dollars, six thousand six hundred 9101  
fifty-five ten-thousandths of one per cent; 9102

(4) On all further sums, one thousand six hundred sixty-three 9103  
ten-thousandths of one per cent. 9104

If any settlement is not made on or before the date 9105  
prescribed by law for such settlement or any lawful extension of 9106  
such date, the aggregate compensation allowed to the auditor shall 9107  
be reduced one per cent for each day such settlement is delayed 9108  
after the prescribed date. No penalty shall apply if the auditor 9109  
and treasurer grant all requests for advances up to ninety per 9110  
cent of the settlement pursuant to section 321.34 of the Revised 9111  
Code. The compensation allowed in accordance with this section on 9112  
settlements made before the dates prescribed by law, or the 9113  
reduced compensation allowed in accordance with this section on 9114  
settlements made after the date prescribed by law or any lawful 9115  
extension of such date, shall be apportioned ratably by the 9116  
auditor and deducted from the shares or portions of the revenue 9117  
payable to the state as well as to the county, townships, 9118  
municipal corporations, and school districts. 9119

(B) For the purpose of compensating county auditors for the 9120  
expenses associated with the increased number of applications for 9121  
reductions in real property taxes under sections 323.152 and 9122  
4503.065 of the Revised Code that results from the amendment of 9123  
those sections by H.B. 119 of the 127th general assembly, there 9124  
shall be paid from the general revenue fund to each county auditor 9125  
each year an amount equal to one per cent of the total annual 9126

amount of property tax relief reimbursement paid to that county 9127  
under sections 323.156 and 4503.068 of the Revised Code. 9128

(C) From all moneys collected by the county treasurer on any 9129  
tax duplicate of the county, other than estate tax duplicates, and 9130  
on all moneys received as advance payments of personal property 9131  
and classified property taxes, there shall be paid into the county 9132  
treasury to the credit of the real estate assessment fund created 9133  
by section 325.31 of the Revised Code, an amount to be determined 9134  
by the county auditor, which shall not exceed the following 9135  
percentages: 9136

(1) On the first one hundred thousand dollars, three and 9137  
one-half per cent; 9138

(2) On the next three million dollars, one and three-eighths 9139  
per cent; 9140

(3) On the next three million dollars, one per cent; 9141

(4) On all further sums not exceeding one hundred fifty 9142  
million dollars, three-quarters of one per cent; 9143

(5) On amounts exceeding one hundred fifty million dollars, 9144  
six-tenths of one per cent. 9145

Such compensation shall be apportioned ratably by the auditor 9146  
and deducted from the shares or portions of the revenue payable to 9147  
the state as well as to the county, townships, municipal 9148  
corporations, and school districts. 9149

~~(C)~~(D) Each county auditor shall receive four per cent of the 9150  
amount of tax collected and paid into the county treasury, on 9151  
property omitted and placed by the county auditor on the tax 9152  
duplicate. 9153

~~(D)~~(E) On all estate tax moneys collected by the county 9154  
treasurer, the county auditor, on settlement semiannually with the 9155  
tax commissioner, shall be allowed, as compensation for the 9156

auditor's services under Chapter 5731. of the Revised Code, the 9157  
following percentages: 9158

(1) Four per cent on the first one hundred thousand dollars; 9159

(2) One-half of one per cent on all additional sums. 9160

Such percentages shall be computed upon the amount collected 9161  
and reported at each semiannual settlement, and shall be for the 9162  
use of the general fund of the county. 9163

~~(E)~~(F) On all cigarette license moneys collected by the 9164  
county treasurer, the county auditor, on settlement semiannually 9165  
with the treasurer, shall be allowed as compensation for the 9166  
auditor's services in the issuing of such licenses one-half of one 9167  
per cent of such moneys, to be apportioned ratably and deducted 9168  
from the shares of the revenue payable to the county and 9169  
subdivisions, for the use of the general fund of the county. 9170

~~(F)~~(G) The county auditor shall charge and receive fees as 9171  
follows: 9172

(1) For deeds of land sold for taxes to be paid by the 9173  
purchaser, five dollars; 9174

(2) For the transfer or entry of land, lot, or part of lot, 9175  
or the transfer or entry on or after January 1, 2000, of a used 9176  
manufactured home or mobile home as defined in section 5739.0210 9177  
of the Revised Code, fifty cents for each transfer or entry, to be 9178  
paid by the person requiring it; 9179

(3) For receiving statements of value and administering 9180  
section 319.202 of the Revised Code, one dollar, or ten cents for 9181  
each one hundred dollars or fraction of one hundred dollars, 9182  
whichever is greater, of the value of the real property 9183  
transferred or, for sales occurring on or after January 1, 2000, 9184  
the value of the used manufactured home or used mobile home, as 9185  
defined in section 5739.0210 of the Revised Code, transferred, 9186

except no fee shall be charged when the transfer is made:	9187
(a) To or from the United States, this state, or any instrumentality, agency, or political subdivision of the United States or this state;	9188 9189 9190
(b) Solely in order to provide or release security for a debt or obligation;	9191 9192
(c) To confirm or correct a deed previously executed and recorded;	9193 9194
(d) To evidence a gift, in trust or otherwise and whether revocable or irrevocable, between husband and wife, or parent and child or the spouse of either;	9195 9196 9197
(e) On sale for delinquent taxes or assessments;	9198
(f) Pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant to such order;	9199 9200 9201
(g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation;	9202 9203 9204 9205 9206 9207
(h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;	9208 9209 9210
(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever;	9211 9212
(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars;	9213 9214 9215
(k) Of an occupied residential property, including a	9216

manufactured or mobile home, being transferred to the builder of a 9217  
new residence or to the dealer of a new manufactured or mobile 9218  
home when the former residence is traded as part of the 9219  
consideration for the new residence or new manufactured or mobile 9220  
home; 9221

(l) To a grantee other than a dealer in real property or in 9222  
manufactured or mobile homes, solely for the purpose of, and as a 9223  
step in, the prompt sale of the real property or manufactured or 9224  
mobile home to others; 9225

(m) To or from a person when no money or other valuable and 9226  
tangible consideration readily convertible into money is paid or 9227  
to be paid for the real estate or manufactured or mobile home and 9228  
the transaction is not a gift; 9229

(n) Pursuant to division (B) of section 317.22 of the Revised 9230  
Code, or section 2113.61 of the Revised Code, between spouses or 9231  
to a surviving spouse pursuant to section 5302.17 of the Revised 9232  
Code as it existed prior to April 4, 1985, between persons 9233  
pursuant to section 5302.17 or 5302.18 of the Revised Code on or 9234  
after April 4, 1985, to a person who is a surviving, survivorship 9235  
tenant pursuant to section 5302.17 of the Revised Code on or after 9236  
April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 9237

(o) To a trustee acting on behalf of minor children of the 9238  
deceased; 9239

(p) Of an easement or right-of-way when the value of the 9240  
interest conveyed does not exceed one thousand dollars; 9241

(q) Of property sold to a surviving spouse pursuant to 9242  
section 2106.16 of the Revised Code; 9243

(r) To or from an organization exempt from federal income 9244  
taxation under section 501(c)(3) of the "Internal Revenue Code of 9245  
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such 9246  
transfer is without consideration and is in furtherance of the 9247

charitable or public purposes of such organization; 9248

(s) Among the heirs at law or devisees, including a surviving 9249  
spouse, of a common decedent, when no consideration in money is 9250  
paid or to be paid for the real property or manufactured or mobile 9251  
home; 9252

(t) To a trustee of a trust, when the grantor of the trust 9253  
has reserved an unlimited power to revoke the trust; 9254

(u) To the grantor of a trust by a trustee of the trust, when 9255  
the transfer is made to the grantor pursuant to the exercise of 9256  
the grantor's power to revoke the trust or to withdraw trust 9257  
assets; 9258

(v) To the beneficiaries of a trust if the fee was paid on 9259  
the transfer from the grantor of the trust to the trustee or if 9260  
the transfer is made pursuant to trust provisions which became 9261  
irrevocable at the death of the grantor; 9262

(w) To a corporation for incorporation into a sports facility 9263  
constructed pursuant to section 307.696 of the Revised Code; 9264

(x) Between persons pursuant to section 5302.18 of the 9265  
Revised Code. 9266

The auditor shall compute and collect the fee. The auditor 9267  
shall maintain a numbered receipt system, as prescribed by the tax 9268  
commissioner, and use such receipt system to provide a receipt to 9269  
each person paying a fee. The auditor shall deposit the receipts 9270  
of the fees on conveyances in the county treasury daily to the 9271  
credit of the general fund of the county. 9272

The real property transfer fee provided for in division 9273  
~~(F)~~(G)(3) of this section shall be applicable to any conveyance of 9274  
real property presented to the auditor on or after January 1, 9275  
1968, regardless of its time of execution or delivery. 9276

The transfer fee for a used manufactured home or used mobile 9277



home shall be computed by and paid to the county auditor of the 9278  
county in which the home is located immediately prior to the 9279  
transfer. 9280

**Sec. 321.08.** The county treasurer shall enter on ~~his~~ the 9281  
treasurer's account each day the money received for advance 9282  
payments of taxes and taxes charged on the general and special 9283  
duplicates of the current year in the following manner: 9284

(A) Collections of estate tax to be credited to the 9285  
"undivided estate tax fund;" 9286

(B) Collections of classified property taxes, including 9287  
interest and penalties thereon, shall be credited to the county 9288  
~~library and local government support libraries~~ libraries fund and 9289  
distributed in accordance with section 5747.48 of the Revised 9290  
Code; 9291

(C) Collections of other taxes and assessments of whatever 9292  
kind to be credited to the undivided general tax fund. 9293

**Sec. 322.01.** As used in sections 322.01 to 322.07 of the 9294  
Revised Code: 9295

(A) "Value" means, in the case of any deed not a gift in 9296  
whole or part, the amount of the full consideration therefor, paid 9297  
or to be paid for the real estate described in the deed, including 9298  
the amount of any liens thereon, with the following exceptions: 9299

(1) The amount owed on a debt secured by a mortgage which has 9300  
been of record at least twelve months prior to the date of the 9301  
conveyance and which is assumed by the purchaser; 9302

(2) The difference between the full amount of consideration 9303  
and the unpaid balance owed to the seller at the time of the 9304  
conveyance of property to a third party under a land installment 9305  
contract that has been of record at least twelve months prior to 9306

the date of conveyance. 9307

(B) "Value" means, in the case of a manufactured or mobile 9308  
home that is not a gift in whole or in part, the amount of the 9309  
full consideration paid or to be paid for the home, including the 9310  
amounts of any liens thereon. 9311

(C) "Value" means, in the case of a gift in whole or part, 9312  
the estimated price the real estate described in the deed, or the 9313  
manufactured or mobile home, would bring in the open market and 9314  
under the then existing and prevailing market conditions in a sale 9315  
between a willing seller and a willing buyer, both conversant with 9316  
the property and with prevailing general price levels. 9317

(D) "Deed" means any deed, instrument, or writing by which 9318  
any real property or any interest in real property is granted, 9319  
assigned, transferred, or otherwise conveyed except that it does 9320  
not include any deed, instrument, or writing which grants, 9321  
assigns, transfers, or otherwise conveys any real property or 9322  
interests in real property exempted from the fee required by 9323  
division ~~(F)~~(G)(3) of section 319.54 of the Revised Code. 9324

(E) "Manufactured home" has the same meaning as in division 9325  
(C)(4) of section 3781.06 of the Revised Code. 9326

(F) "Mobile home" has the same meaning as in division (O) of 9327  
section 4501.01 of the Revised Code. 9328

**Sec. 323.151.** As used in sections 323.151 to 323.159 of the 9329  
Revised Code: 9330

(A) "Homestead" means either of the following: 9331

(1) A dwelling, including a unit in a multiple-unit dwelling 9332  
and a manufactured home or mobile home taxed as real property 9333  
pursuant to division (B) of section 4503.06 of the Revised Code, 9334  
owned and occupied as a home by an individual whose domicile is in 9335  
this state and who has not acquired ownership from a person, other 9336

than the individual's spouse, related by consanguinity or affinity 9337  
for the purpose of qualifying for the real property tax reduction 9338  
provided in section 323.152 of the Revised Code. 9339

(2) A unit in a housing cooperative that is occupied as a 9340  
home, but not owned, by an individual whose domicile is in this 9341  
state. 9342

The homestead shall include so much of the land surrounding 9343  
it, not exceeding one acre, as is reasonably necessary for the use 9344  
of the dwelling or unit as a home. An owner includes a holder of 9345  
one of the several estates in fee, a vendee in possession under a 9346  
purchase agreement or a land contract, a mortgagor, a life tenant, 9347  
one or more tenants with a right of survivorship, tenants in 9348  
common, and a settlor of a revocable inter vivos trust holding the 9349  
title to a homestead occupied by the settlor as of right under the 9350  
trust. The tax commissioner shall adopt rules for the uniform 9351  
classification and valuation of real property or portions of real 9352  
property as homesteads. 9353

(B) "Sixty-five years of age or older" means a person who has 9354  
attained age sixty-four prior to the first day of January of the 9355  
year of application for reduction in real estate taxes. 9356

~~(C) "Total income" means the adjusted gross income of the 9357  
owner and the owner's spouse for the year preceding the year in 9358  
which application for a reduction in taxes is made, as determined 9359  
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 9360  
U.S.C.A. 1, as amended, adjusted as follows: 9361~~

~~(1) Subtract the amount of disability benefits included in 9362  
adjusted gross income, but not to exceed fifty two hundred 9363  
dollars; 9364~~

~~(2) Add old age and survivors benefits received pursuant to 9365  
the "Social Security Act" that are not included in adjusted gross 9366  
income; 9367~~

<del>(3) Add retirement, pension, annuity, or other retirement payments or benefits not included in adjusted gross income;</del>	9368
<del>(4) Add tier I and tier II railroad retirement benefits received pursuant to the "Railroad Retirement Act," 50 Stat. 307, 45 U.S.C.A. 228;</del>	9369
<del>(5) Add interest on federal, state, and local government obligations;</del>	9370
<del>(6) For a person who received the homestead exemption for a prior year on the basis of being permanently and totally disabled and whose current application for the exemption is made on the basis of age, subtract the following amount:</del>	9371
<del>(a) If the person received disability benefits that were not 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 disability benefits the person received in that preceding year, to the extent included in total income in the current year and not subtracted under division (C)(1) of this section in the current year;</del>	9372
<del>(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 (C)(1) of this section in that preceding year, to the extent included in total income in the current year and not subtracted under division (C)(1) of this section in the current year.</del>	9373
<del>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.</del>	9374
<del>(D) "Old age and survivors benefits received pursuant to the</del>	9375
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~~'Social Security Act' or "tier I railroad retirement benefits received pursuant to the 'Railroad Retirement Act'" means:~~ 9399  
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~~(1) For those persons receiving the homestead exemption for the first time for tax years 1976 and earlier, old age benefits payable under the social security or railroad retirement laws in effect on December 31, 1975, except in those cases where a change in social security or railroad retirement benefits would result in a reduction in income.~~ 9401  
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~~(2) For those persons receiving the homestead exemption for the first time for tax years 1977 and thereafter, old age benefits payable under the social security or railroad retirement laws in effect on the last day of the calendar year prior to the year for which the homestead exemption is first received, 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.~~ 9407  
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~~(3) The lesser of:~~ 9417

~~(a) Survivors benefits payable under the social security or railroad retirement laws in effect on the last day of the calendar 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~~ 9418  
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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.~~ 9424  
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~~Survivors benefits are those described in division (D)(3)(b)~~ 9429

~~of this section only if the deceased spouse received old age 9430  
benefits in the year in which the deceased spouse died. If the 9431  
deceased spouse did not receive old age benefits in the year in 9432  
which the deceased spouse died, then survivors benefits are those 9433  
described in division (D)(3)(a) of this section. 9434~~

~~(E)~~ "Permanently and totally disabled" means a person who 9435  
has, on the first day of January of the year of application for 9436  
reduction in real estate taxes, some impairment in body or mind 9437  
that makes the person unable to work at any substantially 9438  
remunerative employment that the person is reasonably able to 9439  
perform and that will, with reasonable probability, continue for 9440  
an indefinite period of at least twelve months without any present 9441  
indication of recovery therefrom or has been certified as 9442  
permanently and totally disabled by a state or federal agency 9443  
having the function of so classifying persons. 9444

~~(F)(D)~~ "Housing cooperative" means a housing complex of at 9445  
least two hundred fifty units that is owned and operated by a 9446  
nonprofit corporation that issues a share of the corporation's 9447  
stock to an individual, entitling the individual to live in a unit 9448  
of the complex, and collects a monthly maintenance fee from the 9449  
individual to maintain, operate, and pay the taxes of the complex. 9450

**Sec. 323.152.** In addition to the reduction in taxes required 9451  
under section 319.302 of the Revised Code, taxes shall be reduced 9452  
as provided in divisions (A) and (B) of this section. 9453

(A)(1) Division (A) of this section applies to any of the 9454  
following: 9455

- (a) A person who is permanently and totally disabled; 9456
- (b) A person who is sixty-five years of age or older; 9457
- (c) A person who is the surviving spouse of a deceased person 9458  
who was permanently and totally disabled or sixty-five years of 9459

age or older and who applied and qualified for a reduction in 9460  
taxes under this division in the year of death, provided the 9461  
surviving spouse is at least fifty-nine but not sixty-five or more 9462  
years of age on the date the deceased spouse dies. 9463

(2) Real property taxes on a homestead owned and occupied, or 9464  
a homestead in a housing cooperative occupied, by a person to whom 9465  
division (A) of this section applies shall be reduced for each 9466  
year for which the owner obtains a certificate of reduction from 9467  
the county auditor under section 323.154 of the Revised Code or 9468  
for which the occupant obtains a certificate of reduction in 9469  
accordance with section 323.159 of the Revised Code. The reduction 9470  
shall equal the amount obtained by multiplying the tax rate for 9471  
the tax year for which the certificate is issued by the reduction 9472  
in taxable value shown in the following schedule: 9473

	<del>Reduce Taxable Value</del>	9474
<del>Total Income</del>	<del>by the Lesser of:</del>	9475
<del>\$11,900 or less</del>	<del>\$5,000 or seventy five per cent</del>	9476
<del>More than \$11,900 but not more than \$17,500</del>	<del>\$3,000 or sixty per cent</del>	9477
<del>More than \$17,500 but not more than \$23,000</del>	<del>\$1,000 or twenty five per cent</del>	9478
<del>More than \$23,000</del>	<del>-0-</del>	9479

~~(3) Each calendar year, the tax commissioner shall adjust the 9480  
foregoing schedule by completing the following calculations in 9481  
September of each year: 9482~~

~~(a) Determine the percentage increase in the gross domestic 9483  
product deflator determined by the bureau of economic analysis of 9484  
the United States department of commerce from the first day of 9485  
January of the preceding calendar year to the last day of December 9486  
of the preceding calendar year; 9487~~

~~(b) Multiply that percentage increase by each of the total 9488  
income amounts, and by each dollar amount by which taxable value 9489~~

~~is reduced, for the current tax year;~~ 9490

~~(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;~~ 9491  
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~~(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;~~ 9494  
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~~(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.~~ 9497  
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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 the taxpayer received a reduction for tax year 2006, or the product of the following:~~ 9502  
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~~(a) Twenty-five thousand dollars of the true value of the property in money;~~ 9512  
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~~(b) 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;~~ 9514  
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~~(c) 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~~ 9517  
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5713.041 of the Revised Code. 9521

(B) To provide a partial exemption, real property taxes on 9522  
any homestead, and manufactured home taxes on any manufactured or 9523  
mobile home on which a manufactured home tax is assessed pursuant 9524  
to division (D)(2) of section 4503.06 of the Revised Code, shall 9525  
be reduced for each year for which the owner obtains a certificate 9526  
of reduction from the county auditor under section 323.154 of the 9527  
Revised Code. The amount of the reduction shall equal two and 9528  
one-half per cent of the amount of taxes to be levied on the 9529  
homestead or the manufactured or mobile home after applying 9530  
section 319.301 of the Revised Code. 9531

(C) The reductions granted by this section do not apply to 9532  
special assessments or respread of assessments levied against the 9533  
homestead, and if there is a transfer of ownership subsequent to 9534  
the filing of an application for a reduction in taxes, such 9535  
reductions are not forfeited for such year by virtue of such 9536  
transfer. 9537

(D) The reductions in taxable value referred to in this 9538  
section shall be applied solely as a factor for the purpose of 9539  
computing the reduction of taxes under this section and shall not 9540  
affect the total value of property in any subdivision or taxing 9541  
district as listed and assessed for taxation on the tax lists and 9542  
duplicates, or any direct or indirect limitations on indebtedness 9543  
of a subdivision or taxing district. If after application of 9544  
sections 5705.31 and 5705.32 of the Revised Code, including the 9545  
allocation of all levies within the ten-mill limitation to debt 9546  
charges to the extent therein provided, there would be 9547  
insufficient funds for payment of debt charges not provided for by 9548  
levies in excess of the ten-mill limitation, the reduction of 9549  
taxes provided for in sections 323.151 to 323.159 of the Revised 9550  
Code shall be proportionately adjusted to the extent necessary to 9551  
provide such funds from levies within the ten-mill limitation. 9552

(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 the completed application to the corporation. Not later than the fifteenth day of May, the corporation shall file all completed applications, and the information required by division (B) of section 323.159 of the Revised Code, with the county auditor of the county in which the occupants' homesteads are located. Continuing applications shall be furnished to an occupant in the manner provided in division (C)(4) of this section.

(1) An application for reduction based upon a physical disability shall be accompanied by a certificate signed by a physician, and an application for reduction based upon a mental disability shall be accompanied by a certificate signed by a

physician or psychologist licensed to practice in this state, 9584  
attesting to the fact that the applicant is permanently and 9585  
totally disabled. The certificate shall be in a form that the tax 9586  
commissioner requires and shall include the definition of 9587  
permanently and totally disabled as set forth in section 323.151 9588  
of the Revised Code. An application for reduction based upon a 9589  
disability certified as permanent and total by a state or federal 9590  
agency having the function of so classifying persons shall be 9591  
accompanied by a certificate from that agency. ~~Such an~~ 9592

An application for a reduction under division (A) of section 9593  
323.152 of the Revised Code constitutes a continuing application 9594  
for a reduction in taxes for each year in which the dwelling is 9595  
the applicant's homestead ~~and the amount of the reduction in~~ 9596  
~~taxable value to which the applicant is entitled does not exceed~~ 9597  
~~either the amount or percentage of the reduction to which the~~ 9598  
~~applicant was entitled for the year in which the application was~~ 9599  
~~first filed.~~ 9600

(2) An application for a reduction in taxes under division 9601  
(B) of section 323.152 of the Revised Code shall be filed only if 9602  
the homestead or manufactured or mobile home was transferred in 9603  
the preceding year or did not qualify for and receive the 9604  
reduction in taxes under that division for the preceding tax year. 9605  
The application for homesteads transferred in the preceding year 9606  
shall be incorporated into any form used by the county auditor to 9607  
administer the tax law in respect to the conveyance of real 9608  
property pursuant to section 319.20 of the Revised Code or of used 9609  
manufactured homes or used mobile homes as defined in section 9610  
5739.0210 of the Revised Code. The owner of a manufactured or 9611  
mobile home who has elected under division (D)(4) of section 9612  
4503.06 of the Revised Code to be taxed under division (D)(2) of 9613  
that section for the ensuing year may file the application at the 9614  
time of making that election. The application shall contain a 9615

statement that failure by the applicant to affirm on the 9616  
application that the dwelling on the property conveyed is the 9617  
applicant's homestead prohibits the owner from receiving the 9618  
reduction in taxes until a proper application is filed within the 9619  
period prescribed by division (A)(3) of this section. Such an 9620  
application constitutes a continuing application for a reduction 9621  
in taxes for each year in which the dwelling is the applicant's 9622  
homestead. 9623

(3) Failure to receive a new application filed under division 9624  
(A)(1) or (2) or notification under division (C) of this section 9625  
after a certificate of reduction has been issued under section 9626  
323.154 of the Revised Code, or failure to receive a new 9627  
application filed under division (A)(1) or notification under 9628  
division (C) of this section after a certificate of reduction has 9629  
been issued under section 323.159 of the Revised Code, is 9630  
prima-facie evidence that the original applicant is entitled to 9631  
the reduction in taxes calculated on the basis of the information 9632  
contained in the original application. The original application 9633  
and any subsequent application, including any late application, 9634  
shall be in the form of a signed statement and shall be filed 9635  
after the first Monday in January and not later than the first 9636  
Monday in June. The original application and any subsequent 9637  
application for a reduction in real property taxes shall be filed 9638  
in the year for which the reduction is sought. The original 9639  
application and any subsequent application for a reduction in 9640  
manufactured home taxes shall be filed in the year preceding the 9641  
year for which the reduction is sought. The statement shall be on 9642  
a form, devised and supplied by the tax commissioner, which shall 9643  
require no more information than is necessary to establish the 9644  
applicant's eligibility for the reduction in taxes and the amount 9645  
of the reduction, and, for a certificate of reduction issued under 9646  
section 323.154 of the Revised Code, shall include an affirmation 9647  
by the applicant that ownership of the homestead was not acquired 9648

from a person, other than the applicant's spouse, related to the 9649  
owner by consanguinity or affinity for the purpose of qualifying 9650  
for the real property or manufactured home tax reduction provided 9651  
for in division (A) or (B) of section 323.152 of the Revised Code. 9652  
The form shall contain a statement that conviction of willfully 9653  
falsifying information to obtain a reduction in taxes or failing 9654  
to comply with division (C) of this section results in the 9655  
revocation of the right to the reduction for a period of three 9656  
years. ~~In the case of an application for a reduction in taxes 9657  
under division (A) of section 323.152 of the Revised Code, the 9658  
form shall contain a statement that signing the application 9659  
constitutes a delegation of authority by the applicant to the 9660  
county auditor to examine any financial records relating to income 9661  
earned by the applicant as stated on the application for the 9662  
purpose of determining a possible violation of division (D) or (E) 9663  
of this section.~~ 9664

(B) A late application for a tax reduction for the year 9665  
preceding the year in which an original application is filed, or 9666  
for a reduction in manufactured home taxes for the year in which 9667  
an original application is filed, may be filed with the original 9668  
application. If the county auditor determines the information 9669  
contained in the late application is correct, the auditor shall 9670  
determine the amount of the reduction in taxes to which the 9671  
applicant would have been entitled for the preceding tax year had 9672  
the applicant's application been timely filed and approved in that 9673  
year. 9674

The amount of such reduction shall be treated by the auditor 9675  
as an overpayment of taxes by the applicant and shall be refunded 9676  
in the manner prescribed in section 5715.22 of the Revised Code 9677  
for making refunds of overpayments. On the first day of July of 9678  
each year, the county auditor shall certify the total amount of 9679  
the reductions in taxes made in the current year under this 9680

division to the tax commissioner, who shall treat the full amount 9681  
thereof as a reduction in taxes for the preceding tax year and 9682  
shall make reimbursement to the county therefor in the manner 9683  
prescribed by section 323.156 of the Revised Code, from money 9684  
appropriated for that purpose. 9685

(C)(1) If, in any year after an application has been filed 9686  
under division (A)(1) or (2) of this section, the owner does not 9687  
qualify for a reduction in taxes on the homestead or on the 9688  
manufactured or mobile home set forth on such application, ~~or~~ 9689  
~~qualifies for a reduction in taxes that is to be based upon a~~ 9690  
~~reduction in taxable value less than either the percentage or~~ 9691  
~~amount of the reduction in taxable value to which the owner was~~ 9692  
~~entitled in the year the application was filed, the owner shall~~ 9693  
notify the county auditor that the owner is not qualified for a 9694  
reduction in taxes ~~or file a new application under division (A)(1)~~ 9695  
~~or (2) of this section.~~ 9696

(2) If, in any year after an application has been filed under 9697  
division (A)~~(1)~~ of this section, the occupant of a homestead in a 9698  
housing cooperative does not qualify for a reduction in taxes on 9699  
the homestead, the occupant shall notify the county auditor that 9700  
the occupant is not qualified for a reduction in taxes or file a 9701  
new application under division (A)~~(1)~~ of this section. 9702

(3) If the county auditor or county treasurer discovers that 9703  
the owner of property not entitled to the reduction in taxes under 9704  
division (B) of section 323.152 of the Revised Code failed to 9705  
notify the county auditor as required by division (C)(1) of this 9706  
section, a charge shall be imposed against the property in the 9707  
amount by which taxes were reduced under that division for each 9708  
tax year the county auditor ascertains that the property was not 9709  
entitled to the reduction and was owned by the current owner. 9710  
Interest shall accrue in the manner prescribed by division (B) of 9711  
section 323.121 or division (G)(2) of section 4503.06 of the 9712

Revised Code on the amount by which taxes were reduced for each 9713  
such tax year as if the reduction became delinquent taxes at the 9714  
close of the last day the second installment of taxes for that tax 9715  
year could be paid without penalty. The county auditor shall 9716  
notify the owner, by ordinary mail, of the charge, of the owner's 9717  
right to appeal the charge, and of the manner in which the owner 9718  
may appeal. The owner may appeal the imposition of the charge and 9719  
interest by filing an appeal with the county board of revision not 9720  
later than the last day prescribed for payment of real and public 9721  
utility property taxes under section 323.12 of the Revised Code 9722  
following receipt of the notice and occurring at least ninety days 9723  
after receipt of the notice. The appeal shall be treated in the 9724  
same manner as a complaint relating to the valuation or assessment 9725  
of real property under Chapter 5715. of the Revised Code. The 9726  
charge and any interest shall be collected as other delinquent 9727  
taxes. 9728

(4) Each year during January, the county auditor shall 9729  
furnish by ordinary mail a continuing application to each person 9730  
issued a certificate of reduction under section 323.154 or 323.159 9731  
of the Revised Code with respect to a reduction in taxes under 9732  
division (A) of section 323.152 of the Revised Code. The 9733  
continuing application shall be used to report ~~changes in total~~ 9734  
~~income that would have the effect of increasing or decreasing the~~ 9735  
~~reduction in taxable value to which the person is entitled,~~ 9736  
changes in ownership or occupancy of the homestead, including 9737  
changes in or revocation of a revocable inter vivos trust, changes 9738  
in disability, and other changes in the information earlier 9739  
furnished the auditor relative to the reduction in taxes on the 9740  
property. The continuing application shall be returned to the 9741  
auditor not later than the first Monday in June; provided, that if 9742  
such changes do not affect the status of the homestead exemption 9743  
or the amount of the reduction to which the owner is entitled 9744  
under division (A) of section 323.152 of the Revised Code or to 9745

which the occupant is entitled under section 323.159 of the Revised Code, the application does not need to be returned.

(5) Each year during February, the county auditor, except as otherwise provided in this paragraph, shall furnish by ordinary mail an original application to the owner, as of the first day of January of that year, of a homestead or a manufactured or mobile home that transferred during the preceding calendar year and that qualified for and received a reduction in taxes under division (B) of section 323.152 of the Revised Code for the preceding tax year. In order to receive the reduction under that division, the owner shall file the application with the county auditor not later than the first Monday in June. If the application is not timely filed, the auditor shall not grant a reduction in taxes for the homestead for the current year, and shall notify the owner that the reduction in taxes has not been granted, in the same manner prescribed under section 323.154 of the Revised Code for notification of denial of an application. Failure of an owner to receive an application does not excuse the failure of the owner to file an original application. The county auditor is not required to furnish an application under this paragraph for any homestead for which application has previously been made on a form incorporated into any form used by the county auditor to administer the tax law in respect to the conveyance of real property or of used manufactured homes or used mobile homes, and an owner who previously has applied on such a form is not required to return an application furnished under this paragraph.

(D) No person shall knowingly make a false statement for the purpose of obtaining a reduction in the person's real property or manufactured home taxes under section 323.152 of the Revised Code.

(E) No person shall knowingly fail to notify the county auditor of changes required by division (C) of this section that have the effect of maintaining or securing a reduction ~~in taxable~~



~~value of homestead property or a reduction in taxes in excess of~~ 9778  
~~the reduction allowed~~ under section 323.152 of the Revised Code. 9779

(F) No person shall knowingly make a false statement or 9780  
certification attesting to any person's physical or mental 9781  
condition for purposes of qualifying such person for tax relief 9782  
pursuant to sections 323.151 to 323.159 of the Revised Code. 9783

**Sec. 323.154.** On or before the day the county auditor has 9784  
completed the duties imposed by sections 319.30 to 319.302 of the 9785  
Revised Code, the auditor shall issue a certificate of reduction 9786  
in taxes in triplicate for each person who has complied with 9787  
section 323.153 of the Revised Code and whose homestead, as 9788  
defined in division (A)(1) of section 323.151 of the Revised Code, 9789  
or manufactured or mobile home the auditor finds is entitled to a 9790  
reduction in real property or manufactured home taxes for that 9791  
year under section 323.152 of the Revised Code. Except as provided 9792  
in section 323.159 of the Revised Code, in the case of a homestead 9793  
entitled to a reduction under division (A) of that section, the 9794  
certificate shall state the taxable value of the homestead on the 9795  
first day of January of that year, ~~the amount of the reduction in~~ 9796  
~~taxable value and the~~ total reduction in taxes for that year under 9797  
that section, the tax rate that is applicable against such 9798  
homestead for that year, and any other information the tax 9799  
commissioner requires. In the case of a homestead or a 9800  
manufactured or mobile home entitled to a reduction under division 9801  
(B) of that section, the certificate shall state the total amount 9802  
of the reduction in taxes for that year under that section and any 9803  
other information the tax commissioner requires. The certificate 9804  
for reduction in taxes shall be on a form approved by the 9805  
commissioner. Upon issuance of such a certificate, the county 9806  
auditor shall forward one copy and the original to the county 9807  
treasurer and retain one copy. The county auditor also shall 9808  
record the amount of reduction in taxes in the appropriate column 9809

on the general tax list and duplicate of real and public utility 9810  
property and on the manufactured home tax list. 9811

If an application, late application, or continuing 9812  
application is not approved, or if the county auditor otherwise 9813  
determines that a homestead or a manufactured or mobile home does 9814  
not qualify for a reduction in taxes under division (A) or (B) of 9815  
section 323.152 of the Revised Code, the auditor shall notify the 9816  
applicant of the reasons for denial not later than the first 9817  
Monday in October. If an applicant believes that the application 9818  
for reduction has been improperly denied or that the reduction is 9819  
for less than that to which the applicant is entitled, the 9820  
applicant may file an appeal with the county board of revision not 9821  
later than the date of closing of the collection for the first 9822  
half of real and public utility property taxes or manufactured 9823  
home taxes. The appeal shall be treated in the same manner as a 9824  
complaint relating to the valuation or assessment of real property 9825  
under Chapter 5715. of the Revised Code. 9826

**Sec. 325.31.** (A) On the first business day of each month, and 9827  
at the end of the officer's term of office, each officer named in 9828  
section 325.27 of the Revised Code shall pay into the county 9829  
treasury, to the credit of the general county fund, on the warrant 9830  
of the county auditor, all fees, costs, penalties, percentages, 9831  
allowances, and perquisites collected by the officer's office 9832  
during the preceding month or part thereof for official services, 9833  
except the fees allowed the county auditor by division ~~(B)~~(C) of 9834  
section 319.54 of the Revised Code, which shall be paid into the 9835  
county treasury to the credit of the real estate assessment fund 9836  
hereby created. 9837

(B) Moneys to the credit of the real estate assessment fund 9838  
may be expended, upon appropriation by the board of county 9839  
commissioners, for the purpose of defraying one or more of the 9840

following:	9841
(1) The cost incurred by the county auditor in assessing real estate pursuant to Chapter 5713. of the Revised Code and manufactured and mobile homes pursuant to Chapter 4503. of the Revised Code;	9842 9843 9844 9845
(2) At the county auditor's discretion, costs and expenses incurred by the county auditor in preparing the list of real and public utility property, in administering laws related to the taxation of real property and the levying of special assessments on real property, including administering reductions under Chapters 319. and 323. and section 4503.065 of the Revised Code, and to support assessments of real property in any administrative or judicial proceeding;	9846 9847 9848 9849 9850 9851 9852 9853
(3) At the county auditor's discretion, the expenses incurred by the county board of revision under Chapter 5715. of the Revised Code;	9854 9855 9856
(4) At the county auditor's discretion, the expenses incurred by the county auditor for geographic information systems, mapping programs, and technological advances in those or similar systems or programs;	9857 9858 9859 9860
(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;	9861 9862 9863 9864
(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.	9865 9866 9867 9868
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	9869 9870 9871

shall include a requirement that a copy of any appraisal plans, 9872  
progress of work reports, contracts, or other documents required 9873  
to be filed with the tax commissioner shall be filed also with the 9874  
board of county commissioners. 9875

The board of county commissioners shall not transfer moneys 9876  
required to be deposited in the real estate assessment fund to any 9877  
other fund. Following an assessment of real property pursuant to 9878  
Chapter 5713. of the Revised Code, or an assessment of a 9879  
manufactured or mobile home pursuant to Chapter 4503. of the 9880  
Revised Code, any moneys not expended for the purpose of defraying 9881  
the cost incurred in assessing real estate or manufactured or 9882  
mobile homes or for the purpose of defraying the expenses 9883  
described in divisions (B)(2), (3), (4), (5), and (6) of this 9884  
section, and thereby remaining to the credit of the real estate 9885  
assessment fund, shall be apportioned ratably and distributed to 9886  
those taxing authorities that contributed to the fund. However, no 9887  
such distribution shall be made if the amount of such unexpended 9888  
moneys remaining to the credit of the real estate assessment fund 9889  
does not exceed five thousand dollars. 9890

(C) None of the officers named in section 325.27 of the 9891  
Revised Code shall collect any fees from the county. Each of such 9892  
officers shall, at the end of each calendar year, make and file a 9893  
sworn statement with the board of county commissioners of all such 9894  
fees, costs, penalties, percentages, allowances, and perquisites 9895  
which have been due in the officer's office and unpaid for more 9896  
than one year prior to the date such statement is required to be 9897  
made. 9898

**Sec. 329.04.** (A) The county department of job and family 9899  
services shall have, exercise, and perform the following powers 9900  
and duties: 9901

(1) Perform any duties assigned by the state department of 9902

job and family services regarding the provision of public family 9903  
services, including the provision of the following services to 9904  
prevent or reduce economic or personal dependency and to 9905  
strengthen family life: 9906

(a) Services authorized by a Title IV-A program, as defined 9907  
in section 5101.80 of the Revised Code; 9908

(b) Social services authorized by Title XX of the "Social 9909  
Security Act" and provided for by section 5101.46 or 5101.461 of 9910  
the Revised Code; 9911

(c) If the county department is designated as the child 9912  
support enforcement agency, services authorized by Title IV-D of 9913  
the "Social Security Act" and provided for by Chapter 3125. of the 9914  
Revised Code. The county department may perform the services 9915  
itself or contract with other government entities, and, pursuant 9916  
to division (C) of section 2301.35 and section 2301.42 of the 9917  
Revised Code, private entities, to perform the Title IV-D 9918  
services. 9919

(d) Duties assigned under section 5111.98 of the Revised 9920  
Code. 9921

(2) Administer disability financial assistance, as required 9922  
by the state department of job and family services under section 9923  
5115.03 of the Revised Code; 9924

(3) Administer disability medical assistance, as required by 9925  
the state department of job and family services under section 9926  
5115.13 of the Revised Code; 9927

(4) Administer burials insofar as the administration of 9928  
burials was, prior to September 12, 1947, imposed upon the board 9929  
of county commissioners and if otherwise required by state law; 9930

(5) Cooperate with state and federal authorities in any 9931  
matter relating to family services and to act as the agent of such 9932

authorities;	9933
(6) Submit an annual account of its work and expenses to the board of county commissioners and to the state department of job and family services at the close of each fiscal year;	9934 9935 9936
(7) Exercise any powers and duties relating to family services duties or workforce development activities imposed upon the county department of job and family services by law, by resolution of the board of county commissioners, or by order of the governor, when authorized by law, to meet emergencies during war or peace;	9937 9938 9939 9940 9941 9942
(8) Determine the eligibility for medical assistance of recipients of aid under Title XVI of the "Social Security Act";	9943 9944
(9) If assigned by the state director of job and family services under section 5101.515 <u>or 5101.525</u> of the Revised Code, determine applicants' eligibility for health assistance under the children's health insurance program part II <u>or part III</u> ;	9945 9946 9947 9948
(10) Enter into a plan of cooperation with the board of county commissioners under section 307.983, consult with the board in the development of the transportation work plan developed under section 307.985, establish with the board procedures under section 307.986 for providing services to children whose families relocate frequently, and comply with the contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the county department;	9949 9950 9951 9952 9953 9954 9955 9956
(11) For the purpose of complying with a <del>fiscal</del> <u>grant</u> agreement the board of county commissioners enters into under <del>section</del> <u>sections</u> 307.98 <u>and 5101.21</u> of the Revised Code, exercise the powers and perform the duties the <del>fiscal</del> <u>grant</u> agreement assigns to the county department;	9957 9958 9959 9960 9961
(12) If the county department is designated as the workforce development agency, provide the workforce development activities	9962 9963

specified in the contract required by section 330.05 of the Revised Code.

(B) The powers and duties of a county department of job and family services are, and shall be exercised and performed, under the control and direction of the board of county commissioners. The board may assign to the county department any power or duty of the board regarding family services duties and workforce development activities. If the new power or duty necessitates the state department of job and family services changing its federal cost allocation plan, the county department may not implement the power or duty unless the United States department of health and human services approves the changes.

**Sec. 329.05.** The county department of job and family services may administer or assist in administering any state or local family services duty in addition to those mentioned in section 329.04 of the Revised Code, supported wholly or in part by public funds from any source provided by agreement between the board of county commissioners and the officer, department, board, or agency in which the administration of such activity is vested. Such officer, department, board, or agency may enter into such agreement and confer upon the county department of job and family services, to the extent and in particulars specified in the agreement, the performance of any duties and the exercise of any powers imposed upon or vested in such officer, board, department, or agency, with respect to the administration of such activity. Such agreement shall be in the form of a resolution of the board of county commissioners, accepted in writing by the other party to the agreement, and filed in the office of the county auditor, and when so filed, shall have the effect of transferring the exercise of the powers and duties to which the agreement relates and shall exempt the other party from all further responsibility for the exercise of the powers and duties so transferred, during the life

of the agreement. 9996

Such agreement shall be coordinated and not conflict with a 9997  
~~fiscal grant~~ agreement entered into under ~~section~~ sections 307.98 9998  
and 5101.21, a contract entered into under section 307.981 or 9999  
307.982, a plan of cooperation entered into under section 307.983, 10000  
a regional plan of cooperation entered into under section 307.984, 10001  
a transportation work plan developed under section 307.985, or 10002  
procedures for providing services to children whose families 10003  
relocate frequently established under section 307.986 of the 10004  
Revised Code. It may be revoked at the option of either party, by 10005  
a resolution or order of the revoking party filed in the office of 10006  
the auditor. Such revocation shall become effective at the end of 10007  
the fiscal year occurring at least six months following the filing 10008  
of the resolution or order. In the absence of such an express 10009  
revocation so filed, the agreement shall continue indefinitely. 10010

This section does not permit a county department of job and 10011  
family services to manage or control hospitals, humane societies, 10012  
detention facilities, jails or probation departments of courts, or 10013  
veterans service commissions. 10014

**Sec. 329.14.** (A) An individual whose household income does 10015  
not exceed ~~one~~ two hundred ~~fifty~~ per cent of the federal poverty 10016  
line is eligible to participate in an individual development 10017  
account program established by the county department of job and 10018  
family services of the county in which the individual resides. An 10019  
eligible individual seeking to be a participant in the program 10020  
shall enter into an agreement with the fiduciary organization 10021  
administering the program. The agreement shall specify the terms 10022  
and conditions of uses of funds deposited, financial documentation 10023  
required to be maintained by the participant, expectations and 10024  
responsibilities of the participant, and services to be provided 10025  
by the fiduciary organization. 10026



(B) A participant may deposit earned income, as defined in 26 U.S.C. 911(d)(2), as amended, into the account. The fiduciary organization may deposit into the account an amount not exceeding ~~twice~~ four times the amount deposited by the participant except that a fiduciary organization may not, pursuant to an agreement with an employer, deposit an amount into an account held by a participant who is employed by the employer. An account may have no more than ten thousand dollars in it at any time.

(C) Notwithstanding eligibility requirements established in or pursuant to Chapter 5107., 5108., or 5111. of the Revised Code, to the extent permitted by federal statutes and regulations, money in an individual development account, including interest, is exempt from consideration in determining whether the participant or a member of the participant's assistance group is eligible for assistance under Chapter 5107., 5108., or 5111. of the Revised Code and the amount of assistance the participant or assistance group is eligible to receive.

(D)(1) Except as provided in division (D)(2) of this section, an individual development account program participant may use money in the account only for the following purposes:

(a) Postsecondary educational expenses paid directly from the account to an eligible education institution or vendor;

(b) Qualified acquisition expenses of a principal residence, as defined in 26 U.S.C. 1034, as amended, paid directly from the account to the person or government entity to which the expenses are due;

(c) Qualified business capitalization expenses made in accordance with a qualified business plan that has been approved by a financial institution or by a nonprofit microenterprise program having demonstrated business expertise and paid directly from the account to the person to whom the expenses are due.

(2) A fiduciary organization shall permit a participant to withdraw money deposited by the participant if it is needed to deal with a personal emergency of the participant or a member of the participant's family or household. Withdrawal shall result in the loss of any matching funds in an amount equal to the amount of the withdrawal.

(3) Regardless of the reason for the withdrawal, a withdrawal from an individual development account may be made only with the approval of the fiduciary organization.

**Sec. 340.03.** (A) Subject to rules issued by the director of mental health after consultation with relevant constituencies as required by division (A)(11) of section 5119.06 of the Revised Code, with regard to mental health services, the board of alcohol, drug addiction, and mental health services shall:

(1) Serve as the community mental health planning agency for the county or counties under its jurisdiction, and in so doing it shall:

(a) Evaluate the need for facilities and community mental health services;

(b) In cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations, assess the community mental health needs, set priorities, and develop plans for the operation of facilities and community mental health services;

(c) In accordance with guidelines issued by the director of mental health after consultation with board representatives, develop and submit to the department of mental health, no later than six months prior to the conclusion of the fiscal year in which the board's current plan is scheduled to expire, a community mental health plan listing community mental health needs,

including the needs of all residents of the district now residing 10088  
in state mental institutions and severely mentally disabled 10089  
adults, children, and adolescents; all children subject to a 10090  
determination made pursuant to section 121.38 of the Revised Code; 10091  
and all the facilities and community mental health services that 10092  
are or will be in operation or provided during the period for 10093  
which the plan will be in operation in the service district to 10094  
meet such needs. 10095

The plan shall include, but not be limited to, a statement of 10096  
which of the services listed in section 340.09 of the Revised Code 10097  
the board intends to make available. The board must include crisis 10098  
intervention services for individuals in an emergency situation in 10099  
the plan and explain how the board intends to make such services 10100  
available. The plan must also include an explanation of how the 10101  
board intends to make any payments that it may be required to pay 10102  
under section 5119.62 of the Revised Code, a statement of the 10103  
inpatient and community-based services the board proposes that the 10104  
department operate, an assessment of the number and types of 10105  
residential facilities needed, such other information as the 10106  
department requests, and a budget for moneys the board expects to 10107  
receive. The board shall also submit an allocation request for 10108  
state and federal funds. Within sixty days after the department's 10109  
determination that the plan and allocation request are complete, 10110  
the department shall approve or disapprove the plan and request, 10111  
in whole or in part, according to the criteria developed pursuant 10112  
to section 5119.61 of the Revised Code. The department's statement 10113  
of approval or disapproval shall specify the inpatient and the 10114  
community-based services that the department will operate for the 10115  
board. Eligibility 10116

Eligibility for state and federal funding shall be contingent 10117  
upon an approved plan or relevant part of a plan. ~~The department~~ 10118  
~~may provide state and federal funding for services included in a~~ 10119

~~plan only if the services are for individuals whose focus of 10120  
treatment or prevention is a mental disorder according to the 10121  
edition of the American psychiatric association's diagnostic and 10122  
statistical manual of mental disorders that is current at the time 10123  
the funding is provided. This shall include such services for 10124  
individuals who have a mental disorder and a co-occurring 10125  
substance use disorder, substance induced disorder, chronic 10126  
dementing organic mental disorder, mental retardation, or 10127  
developmental disability. The department may not provide state or 10128  
federal funding under a plan for a service for individuals whose 10129  
focus of treatment or prevention is solely a substance use 10130  
disorder, substance induced disorder, chronic dementing organic 10131  
mental disorder, mental retardation, or developmental disability. 10132~~

If the director disapproves all or part of any plan, the 10133  
director shall inform the board of the reasons for the disapproval 10134  
and of the criteria that must be met before the plan may be 10135  
approved. The director shall provide the board an opportunity to 10136  
present its case on behalf of the plan. The director shall give 10137  
the board a reasonable time in which to meet the criteria, and 10138  
shall offer the board technical assistance to help it meet the 10139  
criteria. 10140

If the approval of a plan remains in dispute thirty days 10141  
prior to the conclusion of the fiscal year in which the board's 10142  
current plan is scheduled to expire, the board or the director may 10143  
request that the dispute be submitted to a mutually agreed upon 10144  
third-party mediator with the cost to be shared by the board and 10145  
the department. The mediator shall issue to the board and the 10146  
department recommendations for resolution of the dispute. Prior to 10147  
the conclusion of the fiscal year in which the current plan is 10148  
scheduled to expire, the director, taking into consideration the 10149  
recommendations of the mediator, shall make a final determination 10150  
and approve or disapprove the plan, in whole or in part. 10151

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, any complaint alleging abuse or neglect of any person receiving services from a community mental health agency as defined in section 5122.01 of the Revised Code, or from a residential facility licensed under section 5119.22 of the Revised Code. If the investigation substantiates the charge of abuse or neglect, the board shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities. Upon request, the board shall provide information about such investigations to the department.

(3) For the purpose of section 5119.611 of the Revised Code, 10183  
cooperate with the director of mental health in visiting and 10184  
evaluating whether the services of a community mental health 10185  
agency satisfy the certification standards established by rules 10186  
adopted under that section; 10187

(4) In accordance with criteria established under division 10188  
(G) of section 5119.61 of the Revised Code, review and evaluate 10189  
the quality, effectiveness, and efficiency of services provided 10190  
through its community mental health plan and submit its findings 10191  
and recommendations to the department of mental health; 10192

(5) In accordance with section 5119.22 of the Revised Code, 10193  
review applications for residential facility licenses and 10194  
recommend to the department of mental health approval or 10195  
disapproval of applications; 10196

(6) Audit, in accordance with rules adopted by the auditor of 10197  
state pursuant to section 117.20 of the Revised Code, at least 10198  
annually all programs and services provided under contract with 10199  
the board. In so doing, the board may contract for or employ the 10200  
services of private auditors. A copy of the fiscal audit report 10201  
shall be provided to the director of mental health, the auditor of 10202  
state, and the county auditor of each county in the board's 10203  
district. 10204

(7) Recruit and promote local financial support for mental 10205  
health programs from private and public sources; 10206

(8)(a) Enter into contracts with public and private 10207  
facilities for the operation of facility services included in the 10208  
board's community mental health plan and enter into contracts with 10209  
public and private community mental health agencies for the 10210  
provision of community mental health services that are listed in 10211  
section 340.09 of the Revised Code and included in the board's 10212  
community mental health plan. The board may not contract with a 10213

community mental health agency to provide community mental health 10214  
services included in the board's community mental health plan 10215  
unless the services are certified by the director of mental health 10216  
under section 5119.611 of the Revised Code. Section 307.86 of the 10217  
Revised Code does not apply to contracts entered into under this 10218  
division. In contracting with a community mental health agency, a 10219  
board shall consider the cost effectiveness of services provided 10220  
by that agency and the quality and continuity of care, and may 10221  
review cost elements, including salary costs, of the services to 10222  
be provided. A utilization review process shall be established as 10223  
part of the contract for services entered into between a board and 10224  
a community mental health agency. The board may establish this 10225  
process in a way that is most effective and efficient in meeting 10226  
local needs. In the case of a contract with a community mental 10227  
health facility, as defined in section 5111.023 of the Revised 10228  
Code, to provide services listed in division (B) of that section, 10229  
the contract shall provide for the facility to be paid in 10230  
accordance with the contract entered into between the departments 10231  
of job and family services and mental health under section 5111.91 10232  
of the Revised Code and any rules adopted under division (A) of 10233  
section 5119.61 of the Revised Code. 10234

If either the board or a facility or community mental health 10235  
agency with which the board contracts under division (A)(8)(a) of 10236  
this section proposes not to renew the contract or proposes 10237  
substantial changes in contract terms, the other party shall be 10238  
given written notice at least one hundred twenty days before the 10239  
expiration date of the contract. During the first sixty days of 10240  
this one hundred twenty-day period, both parties shall attempt to 10241  
resolve any dispute through good faith collaboration and 10242  
negotiation in order to continue to provide services to persons in 10243  
need. If the dispute has not been resolved sixty days before the 10244  
expiration date of the contract, either party may notify the 10245  
department of mental health of the unresolved dispute. The 10246

director may require both parties to submit the dispute to a third party with the cost to be shared by the board and the facility or community mental health agency. The third party shall issue to the board, the facility or agency, and the department recommendations on how the dispute may be resolved twenty days prior to the expiration date of the contract, unless both parties agree to a time extension. The director shall adopt rules establishing the procedures of this dispute resolution process.

(b) With the prior approval of the director of mental health, a board may operate a facility or provide a community mental health service as follows, if there is no other qualified private or public facility or community mental health agency that is immediately available and willing to operate such a facility or provide the service:

(i) In an emergency situation, any board may operate a facility or provide a community mental health service in order to provide essential services for the duration of the emergency;

(ii) In a service district with a population of at least one hundred thousand but less than five hundred thousand, a board may operate a facility or provide a community mental health service for no longer than one year;

(iii) In a service district with a population of less than one hundred thousand, a board may operate a facility or provide a community mental health service for no longer than one year, except that such a board may operate a facility or provide a community mental health service for more than one year with the prior approval of the director and the prior approval of the board of county commissioners, or of a majority of the boards of county commissioners if the district is a joint-county district.

The director shall not give a board approval to operate a facility or provide a community mental health service under



division (A)(8)(b)(ii) or (iii) of this section unless the 10278  
director determines that it is not feasible to have the department 10279  
operate the facility or provide the service. 10280

The director shall not give a board approval to operate a 10281  
facility or provide a community mental health service under 10282  
division (A)(8)(b)(iii) of this section unless the director 10283  
determines that the board will provide greater administrative 10284  
efficiency and more or better services than would be available if 10285  
the board contracted with a private or public facility or 10286  
community mental health agency. 10287

The director shall not give a board approval to operate a 10288  
facility previously operated by a person or other government 10289  
entity unless the board has established to the director's 10290  
satisfaction that the person or other government entity cannot 10291  
effectively operate the facility or that the person or other 10292  
government entity has requested the board to take over operation 10293  
of the facility. The director shall not give a board approval to 10294  
provide a community mental health service previously provided by a 10295  
community mental health agency unless the board has established to 10296  
the director's satisfaction that the agency cannot effectively 10297  
provide the service or that the agency has requested the board 10298  
take over providing the service. 10299

The director shall review and evaluate a board's operation of 10300  
a facility and provision of community mental health service under 10301  
division (A)(8)(b) of this section. 10302

Nothing in division (A)(8)(b) of this section authorizes a 10303  
board to administer or direct the daily operation of any facility 10304  
or community mental health agency, but a facility or agency may 10305  
contract with a board to receive administrative services or staff 10306  
direction from the board under the direction of the governing body 10307  
of the facility or agency. 10308

- (9) Approve fee schedules and related charges or adopt a unit cost schedule or other methods of payment for contract services provided by community mental health agencies in accordance with guidelines issued by the department as necessary to comply with state and federal laws pertaining to financial assistance;
- (10) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the programs under the jurisdiction of the board, including a fiscal accounting;
- (11) Establish, to the extent resources are available, a community support system, which provides for treatment, support, and rehabilitation services and opportunities. The essential elements of the system include, but are not limited to, the following components in accordance with section 5119.06 of the Revised Code:
- (a) To locate persons in need of mental health services to inform them of available services and benefits mechanisms;
- (b) Assistance for clients to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;
- (c) Mental health care, including, but not limited to, outpatient, partial hospitalization, and, where appropriate, inpatient care;
- (d) Emergency services and crisis intervention;
- (e) Assistance for clients to obtain vocational services and opportunities for jobs;
- (f) The provision of services designed to develop social, community, and personal living skills;
- (g) Access to a wide range of housing and the provision of residential treatment and support;

(h) Support, assistance, consultation, and education for 10339  
families, friends, consumers of mental health services, and 10340  
others; 10341

(i) Recognition and encouragement of families, friends, 10342  
neighborhood networks, especially networks that include racial and 10343  
ethnic minorities, churches, community organizations, and 10344  
meaningful employment as natural supports for consumers of mental 10345  
health services; 10346

(j) Grievance procedures and protection of the rights of 10347  
consumers of mental health services; 10348

(k) Case management, which includes continual individualized 10349  
assistance and advocacy to ensure that needed services are offered 10350  
and procured. 10351

(12) Designate the treatment program, agency, or facility for 10352  
each person involuntarily committed to the board pursuant to 10353  
Chapter 5122. of the Revised Code and authorize payment for such 10354  
treatment. The board shall provide the least restrictive and most 10355  
appropriate alternative that is available for any person 10356  
involuntarily committed to it and shall assure that the services 10357  
listed in section 340.09 of the Revised Code are available to 10358  
severely mentally disabled persons residing within its service 10359  
district. The board shall establish the procedure for authorizing 10360  
payment for services, which may include prior authorization in 10361  
appropriate circumstances. The board may provide for services 10362  
directly to a severely mentally disabled person when life or 10363  
safety is endangered and when no community mental health agency is 10364  
available to provide the service. 10365

(13) Establish a method for evaluating referrals for 10366  
involuntary commitment and affidavits filed pursuant to section 10367  
5122.11 of the Revised Code in order to assist the probate 10368  
division of the court of common pleas in determining whether there 10369

is probable cause that a respondent is subject to involuntary hospitalization and what alternative treatment is available and appropriate, if any;

(14) Ensure that apartments or rooms built, subsidized, renovated, rented, owned, or leased by the board or a community mental health agency have been approved as meeting minimum fire safety standards and that persons residing in the rooms or apartments are receiving appropriate and necessary services, including culturally relevant services, from a community mental health agency. This division does not apply to residential facilities licensed pursuant to section 5119.22 of the Revised Code.

(15) Establish a mechanism for involvement of consumer recommendation and advice on matters pertaining to mental health services in the alcohol, drug addiction, and mental health service district;

(16) Perform the duties under section 3722.18 of the Revised Code required by rules adopted under section 5119.61 of the Revised Code regarding referrals by the board or mental health agencies under contract with the board of individuals with mental illness or severe mental disability to adult care facilities and effective arrangements for ongoing mental health services for the individuals. The board is accountable in the manner specified in the rules for ensuring that the ongoing mental health services are effectively arranged for the individuals.

(B) The board shall establish such rules, operating procedures, standards, and bylaws, and perform such other duties as may be necessary or proper to carry out the purposes of this chapter.

(C) A board of alcohol, drug addiction, and mental health services may receive by gift, grant, devise, or bequest any

moneys, lands, or property for the benefit of the purposes for 10401  
which the board is established, and may hold and apply it 10402  
according to the terms of the gift, grant, or bequest. All money 10403  
received, including accrued interest, by gift, grant, or bequest 10404  
shall be deposited in the treasury of the county, the treasurer of 10405  
which is custodian of the alcohol, drug addiction, and mental 10406  
health services funds to the credit of the board and shall be 10407  
available for use by the board for purposes stated by the donor or 10408  
grantor. 10409

(D) No board member or employee of a board of alcohol, drug 10410  
addiction, and mental health services shall be liable for injury 10411  
or damages caused by any action or inaction taken within the scope 10412  
of the board member's official duties or the employee's 10413  
employment, whether or not such action or inaction is expressly 10414  
authorized by this section, section 340.033, or any other section 10415  
of the Revised Code, unless such action or inaction constitutes 10416  
willful or wanton misconduct. Chapter 2744. of the Revised Code 10417  
applies to any action or inaction by a board member or employee of 10418  
a board taken within the scope of the board member's official 10419  
duties or employee's employment. For the purposes of this 10420  
division, the conduct of a board member or employee shall not be 10421  
considered willful or wanton misconduct if the board member or 10422  
employee acted in good faith and in a manner that the board member 10423  
or employee reasonably believed was in or was not opposed to the 10424  
best interests of the board and, with respect to any criminal 10425  
action or proceeding, had no reasonable cause to believe the 10426  
conduct was unlawful. 10427

(E) The meetings held by any committee established by a board 10428  
of alcohol, drug addiction, and mental health services shall be 10429  
considered to be meetings of a public body subject to section 10430  
121.22 of the Revised Code. 10431

Sec. 505.376. When any expenditure of a fire and ambulance 10432  
district, other than for the compensation of district employees, 10433  
exceeds ~~twenty-five~~ fifty thousand dollars, the contract for the 10434  
expenditure shall be in writing and made with the lowest and best 10435  
bidder after advertising for not less than two nor more than four 10436  
consecutive weeks in a newspaper of general circulation within the 10437  
district. The bids shall be opened and shall be publicly read by 10438  
the clerk of the district, or the clerk's designee, at the time, 10439  
date, and place specified in the advertisement to bidders or the 10440  
specifications. The time, date, and place of bid openings may be 10441  
extended to a later date by the board of trustees of the district, 10442  
provided that written or oral notice of the change shall be given 10443  
to all persons who have received or requested specifications no 10444  
later than ninety-six hours prior to the original time and date 10445  
fixed for the opening. 10446

Each bid on any contract shall contain the full name of every 10447  
person interested in the bid. If the bid is for a contract for the 10448  
construction, demolition, alteration, repair, or reconstruction of 10449  
an improvement, it shall meet the requirements of section 153.54 10450  
of the Revised Code. If the bid is for any other contract, it 10451  
shall be accompanied by a sufficient bond or certified check, 10452  
cashier's check, or money order on a solvent bank or savings and 10453  
loan association that, if the bid is accepted, a contract will be 10454  
entered into and the performance of it will be properly secured. 10455  
If the bid for work embraces both labor and material, it shall be 10456  
separately stated, with the price of the labor and the material. 10457  
The board may reject any and all bids. The contract shall be 10458  
between the district and the bidder, and the district shall pay 10459  
the contract price in cash. When a bonus is offered for completion 10460  
of a contract prior to a specified date, the board may exact a 10461  
prorated penalty in like sum for each day of delay beyond the 10462  
specified date. When there is reason to believe there is collusion 10463

or combination among bidders, the bids of those concerned shall be 10464  
rejected. 10465

**Sec. 517.08.** The proceeds arising from the sale of cemetery 10466  
lots under section 517.07 of the Revised Code shall be used in 10467  
maintaining, improving, beautifying, and embellishing such 10468  
grounds, except that upon unanimous consent of the board of 10469  
township trustees, such proceeds may be used in the purchase or 10470  
appropriation of additional land for cemetery purposes in 10471  
accordance with sections 517.01 and 517.13 of the Revised Code; 10472  
and the board of township trustees may build and maintain proper 10473  
and secure fences around all such cemeteries, to be paid for from 10474  
the township funds. 10475

**Sec. 521.01.** (A) As used in this chapter, "private sewage 10476  
collection tile" means any tile, ditch, pipe, or other improvement 10477  
installed by a private person to receive and convey sewage and 10478  
sewage effluent from at least five household sewage ~~treatment~~ 10479  
disposal systems, as those systems are defined in rules adopted by 10480  
the public health council under section ~~3718.01~~ 3701.34 of the 10481  
Revised Code. 10482

(B) A board of township trustees may maintain and repair 10483  
private sewage collection tiles located within a township road 10484  
right-of-way in the township, where the expenditure from the 10485  
township general fund for materials to maintain and repair the 10486  
tiles does not exceed two hundred dollars for any one project. No 10487  
maintenance or repair shall be performed that is paid for from the 10488  
township general fund under this division until the board adopts a 10489  
resolution authorizing the maintenance or repair. If material 10490  
costs would exceed two hundred dollars, the board may proceed 10491  
under this chapter to maintain and repair the tiles by assessing 10492  
the cost against property based on the special benefits the 10493  
property receives from the project. 10494

**Sec. 709.191.** In lieu of making any of the payments required 10495  
by section 709.19 of the Revised Code and for any proposed 10496  
annexation which does not require payments under that section, the 10497  
legislative authority of a municipal corporation which proposes to 10498  
annex unincorporated territory of a township may enter into an 10499  
agreement with the board of township trustees of the township in 10500  
which the territory to be annexed is located, whereby the 10501  
municipal corporation agrees to make an annual payment to the 10502  
township to compensate for lost tax revenues. The agreement shall 10503  
set forth the amount of the annual payment and the number of 10504  
payments to be made. 10505

If a municipal corporation fails to make an annual payment 10506  
pursuant to an agreement entered into under this section, the 10507  
board of township trustees shall notify the county budget 10508  
commission in writing of the amount owed by the municipal 10509  
corporation to the township. The county budget commission shall 10510  
reduce the amount apportioned to the municipal corporation from 10511  
the undivided local ~~government~~ communities fund pursuant to 10512  
section 5747.51 or 5747.53 of the Revised Code by the amount of 10513  
the payment due the township under the municipal-township 10514  
agreement and shall increase, by an amount equal to this 10515  
reduction, the amount apportioned to the township from the 10516  
undivided local ~~government~~ communities fund. 10517

**Sec. 711.05.** (A) Upon the submission of a plat for approval, 10518  
in accordance with section 711.041 of the Revised Code, the board 10519  
of county commissioners shall certify on it the date of the 10520  
submission. Within five days of submission of the plat, the board 10521  
shall schedule a meeting to consider the plat and send a written 10522  
notice by regular mail to the fiscal officer of the board of 10523  
township trustees of the township in which the plat is located ~~and~~ 10524  
~~the board of health of the health district in which the plat is~~ 10525



located. The notice shall inform the trustees ~~and the board of~~ 10526  
~~health~~ of the submission of the plat and of the date, time, and 10527  
location of any meeting at which the board of county commissioners 10528  
will consider or act upon the proposed plat. The meeting shall 10529  
take place within thirty days of submission of the plat, and no 10530  
meeting shall be held until at least seven days have passed from 10531  
the date the notice was sent by the board of county commissioners. 10532  
The approval of the board required by section 711.041 of the 10533  
Revised Code or the refusal to approve shall take place within 10534  
thirty days from the date of submission or such further time as 10535  
the applying party may agree to in writing; otherwise, the plat is 10536  
deemed approved and may be recorded as if bearing such approval. 10537

(B) The board may adopt general rules governing plats and 10538  
subdivisions of land falling within its jurisdiction, to secure 10539  
and provide for the coordination of the streets within the 10540  
subdivision with existing streets and roads or with existing 10541  
county highways, for the proper amount of open spaces for traffic, 10542  
circulation, and utilities, and for the avoidance of future 10543  
congestion of population detrimental to the public health, safety, 10544  
or welfare, but shall not impose a greater minimum lot area than 10545  
forty-eight hundred square feet. Before the board may amend or 10546  
adopt rules, it shall notify all the townships in the county of 10547  
the proposed amendments or rules by regular mail at least thirty 10548  
days before the public meeting at which the proposed amendments or 10549  
rules are to be considered. 10550

The rules may require the ~~board~~ county department of health 10551  
to review and comment on a plat before the board of county 10552  
commissioners acts upon it and may also require proof of 10553  
compliance with any applicable zoning resolutions, ~~and with~~ 10554  
~~household sewage treatment rules adopted under section 3718.02 of~~ 10555  
~~the Revised Code,~~ as a basis for approval of a plat. Where under 10556  
section 711.101 of the Revised Code the board of county 10557

commissioners has set up standards and specifications for the 10558  
construction of streets, utilities, and other improvements for 10559  
common use, the general rules may require the submission of 10560  
appropriate plans and specifications for approval. The board shall 10561  
not require the person submitting the plat to alter the plat or 10562  
any part of it as a condition for approval, as long as the plat is 10563  
in accordance with general rules governing plats and subdivisions 10564  
of land, adopted by the board as provided in this section, in 10565  
effect at the time the plat was submitted and the plat is in 10566  
accordance with any standards and specifications set up under 10567  
section 711.101 of the Revised Code, in effect at the time the 10568  
plat was submitted. 10569

(C) The ground of refusal to approve any plat, submitted in 10570  
accordance with section 711.041 of the Revised Code, shall be 10571  
stated upon the record of the board, and, within sixty days 10572  
thereafter, the person submitting any plat that the board refuses 10573  
to approve may file a petition in the court of common pleas of the 10574  
county in which the land described in the plat is situated to 10575  
review the action of the board. A board of township trustees is 10576  
not entitled to appeal a decision of the board of county 10577  
commissioners under this section. 10578

**Sec. 711.10.** (A) Whenever a county planning commission or a 10579  
regional planning commission adopts a plan for the major streets 10580  
or highways of the county or region, no plat of a subdivision of 10581  
land within the county or region, other than land within a 10582  
municipal corporation or land within three miles of a city or one 10583  
and one-half miles of a village as provided in section 711.09 of 10584  
the Revised Code, shall be recorded until it is approved by the 10585  
county or regional planning commission under division (C) of this 10586  
section and the approval is endorsed in writing on the plat. 10587

(B) A county or regional planning commission may require the 10588

submission of a preliminary plan for each plat sought to be 10589  
recorded. If the commission requires this submission, it shall 10590  
provide for a review process for the preliminary plan. Under this 10591  
review process, the planning commission shall give its approval, 10592  
its approval with conditions, or its disapproval of each 10593  
preliminary plan. The commission's decision shall be in writing, 10594  
shall be under the signature of the secretary of the commission, 10595  
and shall be issued within thirty-five business days after the 10596  
submission of the preliminary plan to the commission. The 10597  
disapproval of a preliminary plan shall state the reasons for the 10598  
disapproval. A decision of the commission under this division is 10599  
preliminary to and separate from the commission's decision to 10600  
approve, conditionally approve, or refuse to approve a plat under 10601  
division (C) of this section. 10602

(C) Within five calendar days after the submission of a plat 10603  
for approval under this division, the county or regional planning 10604  
commission shall schedule a meeting to consider the plat and send 10605  
a notice by regular mail or by electronic mail to the fiscal 10606  
officer of the board of township trustees of the township in which 10607  
the plat is located ~~and the board of health of the health district~~ 10608  
~~in which the plat is located.~~ The notice shall inform the trustees 10609  
~~and the board of health~~ of the submission of the plat and of the 10610  
date, time, and location of any meeting at which the county or 10611  
regional planning commission will consider or act upon the plat. 10612  
The meeting shall take place within thirty calendar days after 10613  
submission of the plat, and no meeting shall be held until at 10614  
least seven calendar days have passed from the date the planning 10615  
commission sent the notice. 10616

The approval of the county or regional planning commission, 10617  
the commission's conditional approval as described in this 10618  
division, or the refusal of the commission to approve shall be 10619  
endorsed on the plat within thirty calendar days after the 10620

submission of the plat for approval under this division or within 10621  
such further time as the applying party may agree to in writing; 10622  
otherwise that plat is deemed approved, and the certificate of the 10623  
commission as to the date of the submission of the plat for 10624  
approval under this division and the failure to take action on it 10625  
within that time shall be sufficient in lieu of the written 10626  
endorsement or evidence of approval required by this division. 10627

A county or regional planning commission may grant 10628  
conditional approval under this division to a plat by requiring a 10629  
person submitting the plat to alter the plat or any part of it, 10630  
within a specified period after the end of the thirty calendar 10631  
days, as a condition for final approval under this division. Once 10632  
all the conditions have been met within the specified period, the 10633  
commission shall cause its final approval under this division to 10634  
be endorsed on the plat. No plat shall be recorded until it is 10635  
endorsed with the commission's final or unconditional approval 10636  
under this division. 10637

The ground of refusal of approval of any plat submitted under 10638  
this division, including citation of or reference to the rule 10639  
violated by the plat, shall be stated upon the record of the 10640  
county or regional planning commission. Within sixty calendar days 10641  
after the refusal under this division, the person submitting any 10642  
plat that the commission refuses to approve under this division 10643  
may file a petition in the court of common pleas of the proper 10644  
county, and the proceedings on the petition shall be governed by 10645  
section 711.09 of the Revised Code as in the case of the refusal 10646  
of a planning authority to approve a plat. A board of township 10647  
trustees is not entitled to appeal a decision of the commission 10648  
under this division. 10649

A county or regional planning commission shall adopt general 10650  
rules, of uniform application, governing plats and subdivisions of 10651  
land falling within its jurisdiction, to secure and provide for 10652

the proper arrangement of streets or other highways in relation to 10653  
existing or planned streets or highways or to the county or 10654  
regional plan, for adequate and convenient open spaces for 10655  
traffic, utilities, access of firefighting apparatus, recreation, 10656  
light, and air, and for the avoidance of congestion of population. 10657  
The rules may provide for their modification by the commission in 10658  
specific cases where unusual topographical and other exceptional 10659  
conditions require the modification. The rules may require the 10660  
~~board~~ county department of health to review and comment on a plat 10661  
before the commission acts upon it and also may require proof of 10662  
compliance with any applicable zoning resolutions, ~~and with~~ 10663  
~~household sewage treatment rules adopted under section 3718.02 of~~ 10664  
~~the Revised Code,~~ as a basis for approval of a plat. 10665

Before adoption of its rules or amendment of its rules, the 10666  
commission shall hold a public hearing on the adoption or 10667  
amendment. Notice of the public hearing shall be sent to all 10668  
townships in the county or region by regular mail or electronic 10669  
mail at least thirty business days before the hearing. No county 10670  
or regional planning commission shall adopt any rules requiring 10671  
actual construction of streets or other improvements or facilities 10672  
or assurance of that construction as a condition precedent to the 10673  
approval of a plat of a subdivision unless the requirements have 10674  
first been adopted by the board of county commissioners after a 10675  
public hearing. A copy of the rules shall be certified by the 10676  
planning commission to the county recorders of the appropriate 10677  
counties. 10678

After a county or regional street or highway plan has been 10679  
adopted as provided in this section, the approval of plats and 10680  
subdivisions provided for in this section shall be in lieu of any 10681  
approvals provided for in other sections of the Revised Code, 10682  
insofar as the territory within the approving jurisdiction of the 10683  
county or regional planning commission, as provided in this 10684

section, is concerned. Approval of a plat shall not be an 10685  
acceptance by the public of the dedication of any street, highway, 10686  
or other way or open space shown upon the plat. 10687

No county or regional planning commission shall require a 10688  
person submitting a plat to alter the plat or any part of it as 10689  
long as the plat is in accordance with the general rules governing 10690  
plats and subdivisions of land, adopted by the commission as 10691  
provided in this section, in effect at the time the plat is 10692  
submitted. 10693

A county or regional planning commission and a city or 10694  
village planning commission, or platting commissioner or 10695  
legislative authority of a village, with subdivision regulation 10696  
jurisdiction over unincorporated territory within the county or 10697  
region may cooperate and agree by written agreement that the 10698  
approval of a plat by the city or village planning commission, or 10699  
platting commissioner or legislative authority of a village, as 10700  
provided in section 711.09 of the Revised Code, shall be 10701  
conditioned upon receiving advice from or approval by the county 10702  
or regional planning commission. 10703

(D) As used in this section, "business day" means a day of 10704  
the week excluding Saturday, Sunday, or a legal holiday as defined 10705  
in section 1.14 of the Revised Code. 10706

**Sec. 711.131.** (A) Notwithstanding sections 711.001 to 711.13 10707  
of the Revised Code and except as provided in division (C) of this 10708  
section, unless the rules adopted under section 711.05, 711.09, or 10709  
711.10 of the Revised Code are amended pursuant to division (B) of 10710  
this section, a proposed division of a parcel of land along an 10711  
existing public street, not involving the opening, widening, or 10712  
extension of any street or road, and involving no more than five 10713  
lots after the original tract has been completely subdivided, may 10714  
be submitted to the planning authority having approving 10715

jurisdiction of plats under section 711.05, 711.09, or 711.10 of 10716  
the Revised Code for approval without plat. If the authority 10717  
acting through a properly designated representative finds that a 10718  
proposed division is not contrary to applicable platting, 10719  
subdividing, zoning, health, sanitary, or access management 10720  
regulations, or regulations adopted under division (B)(3) of 10721  
section 307.37 of the Revised Code regarding existing surface or 10722  
subsurface drainage, ~~or household sewage treatment rules adopted~~ 10723  
~~under section 3718.02 of the Revised Code, including, but not~~ 10724  
~~limited to, rules governing household sewage disposal systems,~~ it 10725  
shall approve the proposed division within seven business days 10726  
after its submission and, on presentation of a conveyance of the 10727  
parcel, shall stamp the conveyance "approved by (planning 10728  
authority); no plat required" and have it signed by its clerk, 10729  
secretary, or other official as may be designated by it. The 10730  
planning authority may require the submission of a sketch and 10731  
other information that is pertinent to its determination under 10732  
this division. 10733

(B) For a period of up to two years after ~~the effective date~~ 10734  
~~of this amendment~~ April 15, 2005, the rules adopted under section 10735  
711.05, 711.09, or 711.10 of the Revised Code may be amended 10736  
within that period to authorize the planning authority involved to 10737  
approve proposed divisions of parcels of land without plat under 10738  
this division. If an authority so amends its rules, it may approve 10739  
no more than five lots without a plat from an original tract as 10740  
that original tract exists on the effective date of the amendment 10741  
to the rules. The authority shall make the findings and approve a 10742  
proposed division in the time and manner specified in division (A) 10743  
of this section. 10744

(C) This section does not apply to parcels subject to section 10745  
711.133 of the Revised Code. 10746

(D) As used in this section: 10747

~~(1)~~, "~~Business~~ business day" means a day of the week 10748  
excluding Saturday, Sunday, or a legal holiday as defined in 10749  
section 1.14 of the Revised Code. 10750

~~(2) "Household sewage disposal system" has the same meaning 10751  
as in section 3709.091 of the Revised Code. 10752~~

**Sec. 718.13.** (A) Any information gained as a result of 10753  
returns, investigations, hearings, or verifications required or 10754  
authorized by this chapter or by a charter or ordinance of a 10755  
municipal corporation levying an income tax pursuant to this 10756  
chapter is confidential, and no person shall disclose such 10757  
information except in accordance with a proper judicial order or 10758  
in connection with the performance of that person's official 10759  
duties or the official business of the municipal corporation as 10760  
authorized by this chapter or the charter or ordinance authorizing 10761  
the levy. The tax administrator of the municipal corporation may 10762  
furnish copies of returns filed under this chapter to the internal 10763  
revenue service and to the tax commissioner. 10764

(B) This section does not prohibit the legislative authority 10765  
of a municipal corporation, by ordinance or resolution, from 10766  
authorizing the tax administrator to publish statistics in a form 10767  
that does not disclose information with respect to particular 10768  
taxpayers. 10769

**Sec. 742.301.** Each employer shall promptly pay the amount due 10770  
on the accrued liability on the dates fixed by the board of 10771  
trustees of the Ohio police and fire pension fund. Upon 10772  
certification by the board that payment of an employer's accrued 10773  
liability has not been paid within thirty days following the date 10774  
a payment is due, a penalty of five per cent of the amount due 10775  
shall be assessed against such employer. If the payment and 10776  
penalty have not been paid within ninety days following the date a 10777



payment is due, annual interest at six per cent shall be assessed 10778  
against the payment and penalty from the date that the payment is 10779  
due. 10780

Upon certification by the board to the superintendent of 10781  
liquor control or the county auditor of an amount due from any 10782  
employer who is subject to this chapter by reason of such 10783  
employer's delinquency in making payments on the accrued 10784  
liability, the amount due shall be withheld from the employer from 10785  
liquor control permit fees to be distributed to that employer 10786  
according to Chapter 4301. of the Revised Code or from the local 10787  
~~government~~ communities fund allocated for distribution to that 10788  
employer by the county budget commission in accordance with 10789  
Chapter 5739. of the Revised Code. Upon receipt of the 10790  
certification from the board, the superintendent or county auditor 10791  
shall provide for payment against such funds in favor of the Ohio 10792  
police and fire pension fund for the certified amount due and any 10793  
penalty and interest thereon. 10794

Sec. 901.261. The director of agriculture, in conducting 10795  
investigations, inquiries, or hearings, may assess the party to an 10796  
action that is brought before the department of agriculture 10797  
pursuant to Chapter 119. of the Revised Code the actual costs 10798  
incurred by the department for depositions, investigations, 10799  
issuance and service of subpoenas, witness fees, employment of a 10800  
stenographer and hearing officer, and the production of books, 10801  
accounts, papers, records, documents, and testimony if the 10802  
applicable hearing officer determines that the party to the action 10803  
has failed to comply with any chapter of the Revised Code or any 10804  
rule adopted under any of those chapters that is administered by 10805  
the director or if the hearing officer determines that the action 10806  
was frivolous conduct by the party. Assessment of costs under this 10807  
section may be appealed to a court of competent jurisdiction. 10808

Sec. 991.08. The Ohio expositions commission shall use not 10809  
less than thirty-five per cent of the revenue that it receives 10810  
from lease payments and parking fees related to events held at the 10811  
Columbus crew stadium, as it is named on the effective date of 10812  
this section, for the purpose of improving and maintaining parking 10813  
facilities that are utilized for events at the stadium. 10814

**Sec. 1503.05.** (A) The chief of the division of forestry may 10815  
sell timber and other forest products from the state forest and 10816  
state forest nurseries whenever the chief considers such a sale 10817  
desirable and, with the approval of the attorney general and the 10818  
director of natural resources, may sell portions of the state 10819  
forest lands when such a sale is advantageous to the state. 10820

(B) Except as otherwise provided in this section, a timber 10821  
sale agreement shall not be executed unless the person or 10822  
governmental entity bidding on the sale executes and files a 10823  
surety bond conditioned on completion of the timber sale in 10824  
accordance with the terms of the agreement in an amount equal to 10825  
twenty-five per cent of the highest value cutting section. All 10826  
bonds shall be given in a form prescribed by the chief and shall 10827  
run to the state as obligee. 10828

The chief shall not approve any bond until it is personally 10829  
signed and acknowledged by both principal and surety, or as to 10830  
either by the attorney in fact thereof, with a certified copy of 10831  
the power of attorney attached. The chief shall not approve the 10832  
bond unless there is attached a certificate of the superintendent 10833  
of insurance that the company is authorized to transact a fidelity 10834  
and surety business in this state. 10835

In lieu of a bond, the bidder may deposit any of the 10836  
following: 10837

(1) Cash in an amount equal to the amount of the bond; 10838

(2) United States government securities having a par value 10839  
equal to or greater than the amount of the bond; 10840

(3) Negotiable certificates of deposit or irrevocable letters 10841  
of credit issued by any bank organized or transacting business in 10842  
this state having a par value equal to or greater than the amount 10843  
of the bond. 10844

The cash or securities shall be deposited on the same terms 10845  
as bonds. If one or more certificates of deposit are deposited in 10846  
lieu of a bond, the chief shall require the bank that issued any 10847  
of the certificates to pledge securities of the aggregate market 10848  
value equal to the amount of the certificate or certificates that 10849  
is in excess of the amount insured by the federal deposit 10850  
insurance corporation. The securities to be pledged shall be those 10851  
designated as eligible under section 135.18 of the Revised Code. 10852  
The securities shall be security for the repayment of the 10853  
certificate or certificates of deposit. 10854

Immediately upon a deposit of cash, securities, certificates 10855  
of deposit, or letters of credit, the chief shall deliver them to 10856  
the treasurer of state, who shall hold them in trust for the 10857  
purposes for which they have been deposited. The treasurer of 10858  
state is responsible for the safekeeping of the deposits. A bidder 10859  
making a deposit of cash, securities, certificates of deposit, or 10860  
letters of credit may withdraw and receive from the treasurer of 10861  
state, on the written order of the chief, all or any portion of 10862  
the cash, securities, certificates of deposit, or letters of 10863  
credit upon depositing with the treasurer of state cash, other 10864  
United States government securities, or other negotiable 10865  
certificates of deposit or irrevocable letters of credit issued by 10866  
any bank organized or transacting business in this state, equal in 10867  
par value to the par value of the cash, securities, certificates 10868  
of deposit, or letters of credit withdrawn. 10869

A bidder may demand and receive from the treasurer of state 10870

all interest or other income from any such securities or 10871  
certificates as it becomes due. If securities so deposited with 10872  
and in the possession of the treasurer of state mature or are 10873  
called for payment by their issuer, the treasurer of state, at the 10874  
request of the bidder who deposited them, shall convert the 10875  
proceeds of the redemption or payment of the securities into other 10876  
United States government securities, negotiable certificates of 10877  
deposit, or cash as the bidder designates. 10878

When the chief finds that a person or governmental agency has 10879  
failed to comply with the conditions of the person's or 10880  
governmental agency's bond, the chief shall make a finding of that 10881  
fact and declare the bond, cash, securities, certificates, or 10882  
letters of credit forfeited. The chief thereupon shall certify the 10883  
total forfeiture to the attorney general, who shall proceed to 10884  
collect the amount of the bond, cash, securities, certificates, or 10885  
letters of credit. 10886

In lieu of total forfeiture, the surety, at its option, may 10887  
cause the timber sale to be completed or pay to the treasurer of 10888  
state the cost thereof. 10889

All moneys collected as a result of forfeitures of bonds, 10890  
cash, securities, certificates, and letters of credit under this 10891  
section shall be credited to the state forest fund created in this 10892  
section. 10893

(C) The chief may grant easements and leases on portions of 10894  
the state forest lands and state forest nurseries under terms that 10895  
are advantageous to the state, and the chief may grant mineral 10896  
rights on a royalty basis on those lands and nurseries, with the 10897  
approval of the attorney general and the director. 10898

(D) All moneys received from the sale of state forest lands, 10899  
or in payment for easements or leases on or as rents from those 10900  
lands or from state forest nurseries, shall be paid into the state 10901

treasury to the credit of the state forest fund, which is hereby 10902  
created. In addition, all moneys received from federal grants, 10903  
payments, and reimbursements, from the sale of reforestation tree 10904  
stock, from the sale of forest products, other than standing 10905  
timber, and from the sale of minerals taken from the state forest 10906  
lands and state forest nurseries, together with royalties from 10907  
mineral rights, shall be paid into the state treasury to the 10908  
credit of the state forest fund. Any other revenues derived from 10909  
the operation of the state forests and related facilities or 10910  
equipment also shall be paid into the state treasury to the credit 10911  
of the state forest fund, as shall contributions received for the 10912  
issuance of Smokey Bear license plates under section 4503.574 of 10913  
the Revised Code and any other moneys required by law to be 10914  
deposited in the fund. 10915

The state forest fund shall not be expended for any purpose 10916  
other than the administration, operation, maintenance, 10917  
development, or utilization of the state forests, forest 10918  
nurseries, and forest programs, for facilities or equipment 10919  
incident to them, or for the further purchase of lands for state 10920  
forest or forest nursery purposes and, in the case of 10921  
contributions received pursuant to section 4503.574 of the Revised 10922  
Code, for fire prevention purposes. 10923

All moneys received from the sale of standing timber taken 10924  
from state forest lands and state forest nurseries shall be 10925  
deposited into the state treasury to the credit of the forestry 10926  
holding account redistribution fund, which is hereby created. The 10927  
moneys shall remain in the fund until they are redistributed in 10928  
accordance with this division. 10929

The redistribution shall occur at least once each year. To 10930  
begin the redistribution, the chief first shall determine the 10931  
amount of all standing timber sold from state forest lands and 10932  
state forest nurseries, together with the amount of the total sale 10933

proceeds, in each county, in each township within the county, and 10934  
in each school district within the county. The chief next shall 10935  
determine the amount of the direct costs that the division of 10936  
forestry incurred in association with the sale of that standing 10937  
timber. The amount of the direct costs shall be subtracted from 10938  
the amount of the total sale proceeds and shall be transferred 10939  
from the forestry holding account redistribution fund to the state 10940  
forest fund. 10941

The remaining amount of the total sale proceeds equals the 10942  
net value of the standing timber that was sold. The chief shall 10943  
determine the net value of standing timber sold from state forest 10944  
lands and state forest nurseries in each county, in each township 10945  
within the county, and in each school district within the county 10946  
and shall send to each county treasurer a copy of the 10947  
determination at the time that moneys are paid to the county 10948  
treasurer under this division. 10949

Twenty-five per cent of the net value of standing timber sold 10950  
from state forest lands and state forest nurseries located in a 10951  
county shall be transferred from the forestry holding account 10952  
redistribution fund to the state forest fund. Ten per cent of that 10953  
net value shall be transferred from the forestry holding account 10954  
redistribution fund to the general revenue fund. The remaining 10955  
sixty-five per cent of the net value shall be transferred from the 10956  
forestry holding account redistribution fund and paid to the 10957  
county treasurer for the use of the general fund of that county. 10958

The county auditor shall do all of the following: 10959

(1) Retain for the use of the general fund of the county 10960  
one-fourth of the amount received by the county under division (D) 10961  
of this section; 10962

(2) Pay into the general fund of any township located within 10963  
the county and containing such lands and nurseries one-fourth of 10964

the amount received by the county from standing timber sold from 10965  
lands and nurseries located in the township; 10966

(3) Request the board of education of any school district 10967  
located within the county and containing such lands and nurseries 10968  
to identify which fund or funds of the district should receive the 10969  
moneys available to the school district under division (D)(3) of 10970  
this section. After receiving notice from the board, the county 10971  
auditor shall pay into the fund or funds so identified one-half of 10972  
the amount received by the county from standing timber sold from 10973  
lands and nurseries located in the school district, distributed 10974  
proportionately as identified by the board. 10975

The division of forestry shall not supply logs, lumber, or 10976  
other forest products or minerals, taken from the state forest 10977  
lands or state forest nurseries, to any other agency or 10978  
subdivision of the state unless payment is made therefor in the 10979  
amount of the actual prevailing value thereof. This section is 10980  
applicable to the moneys so received. 10981

**Sec. 1504.02.** (A) The division of real estate and land 10982  
management shall do all of the following: 10983

(1) Except as otherwise provided in the Revised Code, 10984  
coordinate and conduct all real estate functions for the 10985  
department of natural resources, including at least acquisitions 10986  
by purchase, lease, gift, devise, bequest, appropriation, or 10987  
otherwise; grants through sales, leases, exchanges, easements, and 10988  
licenses; inventories of land; and other related general 10989  
management duties; 10990

(2) Assist the department and its divisions by providing 10991  
department-wide planning, including at least master planning, 10992  
comprehensive planning, capital improvements planning, and special 10993  
purpose planning such as trails coordination and planning under 10994  
section 1519.03 of the Revised Code; 10995

- ~~(3) On behalf of the director of natural resources, administer the coastal management program established under sections 1506.01 to 1506.03 and 1506.05 to 1506.09 of the Revised Code and consult with and provide coordination among state agencies, political subdivisions, the United States and agencies of it, and interstate, regional, and areawide agencies to assist the director in executing the director's duties and responsibilities under that program and to assist the department as the lead agency for the development and implementation of the program;~~ 10996  
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- ~~(4) On behalf of the director, administer sections 1506.10 and 1506.11 and sections 1506.31 to 1506.36 of the Revised Code;~~ 11006  
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- ~~(5) Cooperate with the United States and agencies of it and with political subdivisions in administering federal recreation moneys under the "Land and Water Conservation Fund Act of 1965," 78 Stat. 897, 16 U.S.C.A. 4601-8, as amended; prepare and distribute the statewide comprehensive outdoor recreation plan; and administer the state recreational vehicle fund created in section 4519.11 of the Revised Code;~~ 11008  
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- ~~(6)~~(4)(a) Support the geographic information system needs for the department as requested by the director, which shall include, but not be limited to, all of the following: 11015  
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- (i) Assisting in the training and education of department resource managers, administrators, and other staff in the application and use of geographic information system technology; 11018  
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- (ii) Providing technical support to the department in the design, preparation of data, and use of appropriate geographic information system applications in order to help solve resource related problems and to improve the effectiveness and efficiency of department delivered services; 11021  
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- (iii) Creating, maintaining, and documenting spatial digital 11026



data bases for the division and for other divisions as assigned by the director. 11027  
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(b) Provide information to and otherwise assist government officials, planners, and resource managers in understanding land use planning and resource management; 11029  
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(c) Provide continuing assistance to local government officials and others in natural resource digital data base development and in applying and utilizing the geographic information system for land use planning, current agricultural use value assessment, development reviews, coastal management, and other resource management activities; 11032  
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(d) Coordinate and administer the remote sensing needs of the department, including the collection and analysis of aerial photography, satellite data, and other data pertaining to land, water, and other resources of the state; 11038  
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(e) Prepare and publish maps and digital data relating to the state's land use and land cover over time on a local, regional, and statewide basis; 11042  
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(f) Locate and distribute hard copy maps, digital data, aerial photography, and other resource data and information to government agencies and the public. 11045  
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~~(7)~~(5) Prepare special studies and execute any other duties, functions, and responsibilities requested by the director. 11048  
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(B) The division may do any of the following: 11050

(1) Coordinate such environmental matters concerning the department and the state as are necessary to comply with the "National Environmental Policy Act of 1969," 83 Stat. 852, 42 U.S.C.A. 4321, as amended, the "Intergovernmental Cooperation Act of 1968," 82 Stat. 1098, 31 U.S.C.A. 6506, and the "Federal Water Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C.A. 1251, as 11051  
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amended, and regulations adopted under those acts; 11057

(2) With the approval of the director, coordinate and 11058  
administer compensatory mitigation grant programs and other 11059  
programs for streams and wetlands as approved in accordance with 11060  
certifications and permits issued under sections 401 and 404 of 11061  
the "Federal Water Pollution Control Act", 91 Stat. 1566(1977), 33 11062  
U.S.C.A. 1251, as amended, by the environmental protection agency 11063  
and the United States army corps of engineers; 11064

(3) Administer any state or federally funded grant program 11065  
that is related to natural resources and recreation as considered 11066  
necessary by the director. 11067

**Sec. 1506.01.** As used in this chapter: 11068

(A) "Coastal area" means the waters of Lake Erie, the islands 11069  
in the lake, and the lands under and adjacent to the lake, 11070  
including transitional areas, wetlands, and beaches. The coastal 11071  
area extends in Lake Erie to the international boundary line 11072  
between the United States and Canada and landward only to the 11073  
extent necessary to include shorelands, the uses of which have a 11074  
direct and significant impact on coastal waters as determined by 11075  
the director of natural resources. 11076

(B) "Coastal management program" means the comprehensive 11077  
action of the state and its political subdivisions cooperatively 11078  
to preserve, protect, develop, restore, or enhance the resources 11079  
of the coastal area and to ensure wise use of the land and water 11080  
resources of the coastal area, giving attention to natural, 11081  
cultural, historic, and aesthetic values; agricultural, 11082  
recreational, energy, and economic needs; and the national 11083  
interest. "Coastal management program" includes the establishment 11084  
of objectives, policies, standards, and criteria concerning, 11085  
without limitation, protection of air, water, wildlife, rare and 11086  
endangered species, wetlands and natural areas, and other natural 11087

resources in the coastal area; management of coastal development 11088  
and redevelopment; preservation and restoration of historic, 11089  
cultural, and aesthetic coastal features; and public access to the 11090  
coastal area for recreation purposes. 11091

(C) "Coastal management program document" means a 11092  
comprehensive statement consisting of, without limitation, text, 11093  
maps, and illustrations that is adopted by the director in 11094  
accordance with this chapter, describes the objectives, policies, 11095  
standards, and criteria of the coastal management program for 11096  
guiding public and private uses of lands and waters in the coastal 11097  
area, lists the governmental agencies, including, without 11098  
limitation, state agencies, involved in implementing the coastal 11099  
management program, describes their applicable policies and 11100  
programs, and cites the statutes and rules under which they may 11101  
adopt and implement those policies and programs. 11102

(D) "Person" means any agency of this state, any political 11103  
subdivision of this state or of the United States, and any legal 11104  
entity defined as a person under section 1.59 of the Revised Code. 11105

(E) "Director" means the director of natural resources or the 11106  
director's designee. 11107

(F) "Permanent structure" means any residential, commercial, 11108  
industrial, institutional, or agricultural building, any mobile 11109  
home as defined in division (O) of section 4501.01 of the Revised 11110  
Code, any manufactured home as defined in division (C)(4) of 11111  
section 3781.06 of the Revised Code, and any septic system that 11112  
receives sewage from a single-family, two-family, or three-family 11113  
dwelling, but does not include any recreational vehicle as defined 11114  
in section 4501.01 of the Revised Code. 11115

(G) "State agency" or "agency of the state" has the same 11116  
meaning as "agency" as defined in section 111.15 of the Revised 11117  
Code. 11118

(H) "Coastal flood hazard area" means any territory within 11119  
the coastal area that has been identified as a flood hazard area 11120  
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 11121  
42 U.S.C.A. 4002, as amended. 11122

(I) "Coastal erosion area" means any territory included in 11123  
Lake Erie coastal erosion areas identified by the director under 11124  
section 1506.06 of the Revised Code. 11125

(J) "Conservancy district" means a conservancy district that 11126  
is established under Chapter 6101. of the Revised Code. 11127

(K) "Park board" means the board of park commissioners of a 11128  
park district that is created under Chapter 1545. of the Revised 11129  
Code. 11130

(L) "Erosion control structure" means a structure that is 11131  
designed solely and specifically to reduce or control erosion of 11132  
the shore along or near Lake Erie, including, without limitation, 11133  
revetments, seawalls, bulkheads, certain breakwaters, and similar 11134  
structures. 11135

(M) "Shore structure" includes, but is not limited to, 11136  
beaches; groins; revetments; bulkheads; seawalls; breakwaters; 11137  
certain dikes designated by the chief of the division of water; 11138  
piers; docks; jetties; wharves; marinas; boat ramps; any 11139  
associated fill or debris used as part of the construction of 11140  
shore structures that may affect shore erosion, wave action, or 11141  
inundation; and fill or debris that is placed along or near the 11142  
shore, including bluffs, banks, or beach ridges, for the purpose 11143  
of stabilizing slopes. 11144

**Sec. ~~1521.20~~ 1506.38.** The ~~chief director~~ of the ~~division of~~ 11145  
~~water~~ natural resources shall act as the erosion agent of the 11146  
state for the purpose of cooperating with the secretary of the 11147  
army, acting through the chief of engineers of the United States 11148

army corps of engineers in the department of defense. The ~~chief~~ 11149  
director shall cooperate with the secretary in carrying out, and 11150  
may conduct, investigations and studies of conditions along the 11151  
shorelines of Lake Erie and of the bays and projections therefrom, 11152  
and of the islands therein, within the territorial waters of the 11153  
state, with a view to devising and perfecting economical and 11154  
effective methods and works for preventing, correcting, and 11155  
controlling shore erosion and damage therefrom and controlling the 11156  
inundation of improved property by the waters of Lake Erie, its 11157  
bays, and associated inlets. 11158

**Sec. ~~1521.21~~ 1506.39.** The ~~chief~~ director of the ~~division of~~ 11159  
~~water natural resources~~, in the discharge of the ~~chief's~~ 11160  
director's duties under sections ~~1507.20~~ 1506.38 to ~~1507.30~~ 11161  
1506.48 of the Revised Code, may call to the ~~chief's~~ director's 11162  
assistance, temporarily, any engineers or other employees in any 11163  
state department, or in the Ohio state university or other 11164  
educational institutions financed wholly or in part by the state, 11165  
for the purpose of devising the most effective and economical 11166  
methods of controlling shore erosion and damage from it and 11167  
controlling the inundation of improved property by the waters of 11168  
Lake Erie and its bays and associated inlets. 11169

Such engineers and employees shall not receive any additional 11170  
compensation over that which they receive from the departments or 11171  
institutions by which they are employed, but they shall be 11172  
reimbursed for their actual necessary expenses incurred while 11173  
working under the direction of the ~~chief~~ director on erosion and 11174  
inundation projects. 11175

**Sec. ~~1521.22~~ 1506.40.** No person shall construct a beach, 11176  
groin, or other structure to control erosion, wave action, or 11177  
inundation along or near the Ohio shoreline of Lake Erie, 11178  
including related islands, bays, and inlets, without first 11179

obtaining a shore structure permit from the ~~chief of the division~~ 11180  
director of water. The natural resources. 11181

The application for a ~~shore structure~~ permit shall include 11182  
detailed plans and specifications prepared by a professional 11183  
engineer registered under Chapter 4733. of the Revised Code. An 11184  
applicant shall provide appropriate evidence of compliance with 11185  
any applicable provisions of this chapter and Chapters 1505. and 11186  
~~1506.~~ 1521. of the Revised Code, as determined by the ~~chief~~ 11187  
director. A temporary shore structure permit may be issued by the 11188  
~~chief or an authorized representative of the chief~~ director if it 11189  
is determined necessary to safeguard life, health, or property. 11190

Each application or reapplication for a permit under this 11191  
section shall be accompanied by a non-refundable fee as the ~~chief~~ 11192  
director shall prescribe by rule. 11193

If the application is approved, the ~~chief~~ director shall 11194  
issue a permit to the applicant authorizing construction of the 11195  
project. If requested in writing by the applicant within thirty 11196  
days of issuance of a notice of disapproval of the application, 11197  
the ~~chief~~ director shall conduct an adjudication hearing under 11198  
Chapter 119. of the Revised Code, except sections 119.12 and 11199  
119.121 of the Revised Code. After reviewing the record of the 11200  
hearing, the ~~chief~~ director shall issue a final order approving 11201  
the application, disapproving it, or approving it conditioned on 11202  
the making of specified revisions in the plans and specifications. 11203

The ~~chief~~ director, by rule, shall limit the period during 11204  
which a construction permit issued under this section is valid and 11205  
shall establish reapplication requirements governing a 11206  
construction permit that expires before construction is completed. 11207

In accordance with Chapter 119. of the Revised Code, the 11208  
~~chief~~ director shall adopt, and may amend or rescind, such rules 11209  
as are necessary for the administration, implementation, and 11210

enforcement of this section. 11211

**Sec. ~~1521.23~~ 1506.41.** All moneys derived from the granting of 11212  
permits and leases under section 1505.07 of the Revised Code for 11213  
the removal of sand, gravel, stone, gas, oil, and other minerals 11214  
and substances from and under the bed of Lake Erie and from 11215  
applications for shore structure permits submitted under section 11216  
~~1521.22~~ 1506.40 of the Revised Code shall be paid into the state 11217  
treasury to the credit of the permit and lease fund, which is 11218  
hereby created. Notwithstanding any section of the Revised Code 11219  
relating to the distribution or crediting of fines for violations 11220  
of the Revised Code, all fines imposed under division (A) of 11221  
section 1505.99 of the Revised Code and under division (C) of 11222  
section ~~1521.99~~ 1506.99 of the Revised Code shall be paid into 11223  
that fund. The fund shall be administered by the department of 11224  
natural resources for the protection of Lake Erie shores and 11225  
waters; investigation and control of erosion; the planning, 11226  
development, and construction of facilities for recreational use 11227  
of Lake Erie; implementation of section ~~1521.22~~ 1506.40 of the 11228  
Revised Code; preparation of the state shore erosion plan under 11229  
section ~~1521.29~~ 1506.47 of the Revised Code; and state 11230  
administration of Lake Erie coastal erosion areas under sections 11231  
1506.06 and 1506.07 of the Revised Code. 11232

**Sec. ~~1521.24~~ 1506.42.** The state, acting through the ~~chief~~ 11233  
~~director~~ of the ~~division of water~~ natural resources, subject to 11234  
section ~~1521.28~~ 1506.46 of the Revised Code, may enter into 11235  
agreements with counties, townships, municipal corporations, park 11236  
boards, and conservancy districts, other political subdivisions, 11237  
or any state departments or divisions for the purpose of 11238  
constructing and maintaining projects to control erosion along the 11239  
Ohio shoreline of Lake Erie and in any rivers and bays that are 11240  
connected with Lake Erie and any other watercourses that flow into 11241

Lake Erie. Such projects also may be constructed on any Lake Erie island that is situated within the boundaries of the state.

The cost of such shore erosion projects that are for the benefit of public littoral property shall be prorated on the basis of two-thirds of the total cost to the state through appropriations made to the ~~division~~ department of ~~water~~ natural resources and one-third of the cost to the counties, townships, municipal corporations, park boards, conservancy districts, or other political subdivisions.

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 11274  
authority to act for the municipal corporation or township. 11275

Conservancy districts may enter into and carry out agreements 11276  
with the chief director, in accordance with the intent of this 11277  
section, under the powers conferred upon conservancy districts 11278  
under Chapter 6101. of the Revised Code. 11279

Park boards may enter into and carry out agreements with the 11280  
chief director, in accordance with the intent of this section, and 11281  
issue bonds for that purpose under the powers conferred upon park 11282  
districts under Chapter 1545. of the Revised Code. 11283

The chief director shall approve and supervise all projects 11284  
that are to be constructed in accordance with this section. The 11285  
chief director shall not proceed with the construction of any 11286  
project until all funds that are to be paid by the county, 11287  
township, municipal corporation, park board, or conservancy 11288  
district, in accordance with the terms of the agreement entered 11289  
into between the chief director and the county, township, 11290  
municipal corporation, park board, or conservancy district, are in 11291  
the chief's director's possession and deposited in the shore 11292  
erosion fund, which is hereby created in the state treasury. If 11293  
the chief director finds it to be in the best interests of the 11294  
state to construct projects as set forth in this section by the 11295  
state itself, without the financial contribution of counties, 11296  
townships, municipal corporations, park boards, or conservancy 11297  
districts, the chief director may construct the projects. 11298

In deciding whether to assist a county or municipal 11299  
corporation in constructing and maintaining a project under this 11300  
section, the state, acting through the chief director, shall 11301  
consider, among other factors, whether the county or municipal 11302  
corporation has adopted or is in the process of adopting a Lake 11303  
Erie coastal erosion area resolution or ordinance under division 11304  
(D) of section 1506.07 of the Revised Code. 11305

All projects constructed by the state in conformity with 11306  
sections ~~1521.20~~ 1506.38 to ~~1521.28~~ 1506.46 of the Revised Code 11307  
shall be constructed subject to sections 153.01 to 153.20 of the 11308  
Revised Code, except that the state architect and engineer is not 11309  
required to prepare the plans and specifications for those 11310  
projects. 11311

**Sec. ~~1521.25~~ 1506.43.** The ~~chief director~~ of the ~~division of~~ 11312  
~~water~~ natural resources may enter into a contract with any county, 11313  
township, municipal corporation, conservancy district, or park 11314  
board that has an agreement with the state in accordance with 11315  
section ~~1521.24~~ 1506.42 of the Revised Code for the construction 11316  
of a shore erosion project. No contract shall be let until all 11317  
money that is to be paid by the political subdivision entering 11318  
into the agreement has been deposited in the shore erosion fund 11319  
created in that section ~~1521.24~~ of the Revised Code, and no 11320  
~~contract shall be valid until approved by the director of natural~~ 11321  
~~resources.~~ 11322

**Sec. ~~1521.26~~ 1506.44.** (A) A board of county commissioners may 11323  
use a loan obtained under division (C) of this section to provide 11324  
financial assistance to any person who owns real property in a 11325  
coastal erosion area, ~~as defined in section 1506.01 of the Revised~~ 11326  
~~Code,~~ and who has received a permit under section ~~1521.22~~ 1506.40 11327  
of the Revised Code to construct an erosion control structure in 11328  
that coastal erosion area. The board shall enter into an agreement 11329  
with the person that complies with all of the following 11330  
requirements: 11331

(1) The agreement shall identify the person's real property 11332  
for which the erosion control structure is being constructed and 11333  
shall include a legal description of that property and a reference 11334  
to the volume and page of the deed record in which the title of 11335  
that person to that property is recorded. 11336

(2) In accordance with rules adopted by the Ohio water development authority under division (V) of section 6121.04 of the Revised Code for the purposes of division (C) of this section and pursuant to an agreement between the board and the authority under that division, the board shall agree to cause payments to be made by the authority to the contractor hired by the person to construct an erosion control structure in amounts not to exceed the total amount specified in the agreement between the board and the person.

(3) The person shall agree to pay to the board, or to the authority as the assignee pursuant to division (C) of this section, the total amount of the payments plus administrative or other costs of the board or the authority at times, in installments, and bearing interest as specified in the agreement.

The agreement may contain additional provisions that the board determines necessary to safeguard the interests of the county or to comply with an agreement entered into under division (C) of this section.

(B) Upon entering into an agreement under division (A) of this section, the board shall do all of the following:

(1) Cause the agreement to be recorded in the county deed records in the office of the county recorder of the county in which the real property is situated. Failure to record the agreement does not affect the validity of the agreement or the collection of any amounts due under the agreement.

(2) Establish by resolution an erosion control repayment fund into which shall be deposited all amounts collected under division (B)(3) of this section. Moneys in that fund shall be used by the board for the repayment of the loan and for administrative or other costs of the board or the authority as specified in an agreement entered into under division (C) of this section. If the

amount of money in the fund is inadequate to repay the loan when 11368  
due, the board of county commissioners, by resolution, may advance 11369  
money from any other fund in order to repay the loan if that use 11370  
of the money from the other fund is not in conflict with law. If 11371  
the board so advances money in order to repay the loan, the board 11372  
subsequently shall reimburse each fund from which the board 11373  
advances money with moneys from the erosion control repayment 11374  
fund. 11375

(3) Bill and collect all amounts when due under the agreement 11376  
entered into under division (A) of this section. The board shall 11377  
certify amounts not paid when due to the county auditor, who shall 11378  
enter the amounts on the real property tax list and duplicate 11379  
against the property identified under division (A)(1) of this 11380  
section. The amounts not paid when due shall be a lien on that 11381  
property from the date on which the amounts are placed on the tax 11382  
list and duplicate and shall be collected in the same manner as 11383  
other taxes. 11384

(C) A board may apply to the authority for a loan for the 11385  
purpose of entering into agreements under division (A) of this 11386  
section. The loan shall be for an amount and on the terms 11387  
established in an agreement between the board and the authority. 11388  
The board may assign any agreements entered into under division 11389  
(A) of this section to the authority in order to provide for the 11390  
repayment of the loan and may pledge any lawfully available 11391  
revenues to the repayment of the loan, provided that no moneys 11392  
raised by taxation shall be obligated or pledged by the board for 11393  
the repayment of the loan. Any agreement with the authority 11394  
pursuant to this division is not subject to Chapter 133. of the 11395  
Revised Code or any requirements or limitations established in 11396  
that chapter. 11397

(D) The authority, as assignee of any agreement pursuant to 11398  
division (C) of this section, may enforce and compel the board and 11399

the county auditor by mandamus pursuant to Chapter 2731. of the 11400  
Revised Code to comply with division (B) of this section in a 11401  
timely manner. 11402

(E) The construction of an erosion control structure by a 11403  
contractor hired by an individual homeowner, group of individual 11404  
homeowners, or homeowners association that enters into an 11405  
agreement with a board under division (A) of this section is not a 11406  
public improvement, as defined in section 4115.03 of the Revised 11407  
Code, and is not subject to competitive bidding or public bond 11408  
laws. 11409

**Sec. ~~1521.27~~ 1506.45.** The state, or any county, township, 11410  
municipal corporation, conservancy district, or park board that 11411  
has entered into a contract under section ~~1521.25~~ 1506.43 of the 11412  
Revised Code, may acquire lands by gift or devise, purchase, or 11413  
appropriation. In case of appropriation, the proceedings shall be 11414  
instituted in the name of the state or the political subdivision 11415  
and shall be conducted in the manner provided for the 11416  
appropriation of private property by the state or the political 11417  
subdivision insofar as those proceedings are applicable. Either 11418  
the fee or any lesser interest may be acquired as the state or the 11419  
political subdivision considers advisable. 11420

**Sec. ~~1521.28~~ 1506.46.** Any action taken by the ~~chief director~~ 11421  
of ~~the division of water~~ natural resources under sections ~~1521.20~~ 11422  
1506.38 to ~~1521.30~~ 1506.48 of the Revised Code shall not be deemed 11423  
in conflict with certain powers and duties conferred upon and 11424  
delegated to federal agencies and to municipal corporations under 11425  
Section 7 of Article XVIII, Ohio Constitution, or as provided by 11426  
sections 721.04 to 721.11 of the Revised Code. 11427

**Sec. ~~1521.29~~ 1506.47.** The ~~chief director~~ of ~~the division of~~ 11428  
~~water~~ natural resources, in cooperation with appropriate offices 11429

and divisions, including the division of geological survey, may 11430  
prepare a plan for the management of shore erosion in the state 11431  
along Lake Erie, its bays, and associated inlets, revise the plan 11432  
whenever it can be made more effective, and make the plan 11433  
available for public inspection. In the preparation of the plan, 11434  
the ~~chief~~ director may employ such existing plans as are 11435  
available. 11436

The ~~chief~~ director also may establish a program to provide 11437  
technical assistance on shore erosion control measures to 11438  
municipal corporations, counties, townships, conservancy 11439  
districts, park boards, and shoreline property owners. 11440

**Sec. ~~1521.30~~ 1506.48.** Upon application of any owner of real 11441  
property damaged or destroyed by shore erosion, the county auditor 11442  
of the county in which the real property is situated shall cause a 11443  
reappraisal to be made and shall place the property on the tax 11444  
list at its true value in money. 11445

Whenever the county auditor finds that ninety per cent or 11446  
more of the area of any littoral parcel of land appearing upon the 11447  
tax duplicate has been eroded and lies within the natural 11448  
boundaries of Lake Erie and that the remainder of the parcel, if 11449  
any, has no taxable value, the auditor may certify that finding to 11450  
the county board of revision. Upon consideration thereof, the 11451  
board may authorize removal of the parcel from the tax duplicate 11452  
and cancellation of all current and delinquent taxes, assessments, 11453  
interest, and penalties charged against the parcel. 11454

**Sec. 1506.99.** (A) Whoever violates division (A) of section 11455  
1506.09 of the Revised Code shall be fined not less than one 11456  
hundred nor more than five hundred dollars for each offense. 11457

(B) Whoever violates division (K) of section 1506.32 of the 11458  
Revised Code is guilty of a misdemeanor of the third degree. 11459

(C) Whoever violates sections 1506.38 to 1506.48 of the Revised Code shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense. Each day of violation constitutes a separate offense.

**Sec. 1521.01.** As used in sections 1521.01 to 1521.05, and 1521.13 to 1521.18, ~~and 1521.20 to 1521.30~~ of the Revised Code:

(A) "Consumptive use," "diversion," "Lake Erie drainage basin," "other great lakes states and provinces," "water resources," and "waters of the state" have the same meanings as in section 1501.30 of the Revised Code.

(B) "Well" means any excavation, regardless of design or method of construction, created for any of the following purposes:

(1) Removing ground water from or recharging water into an aquifer, excluding subsurface drainage systems installed to enhance agricultural crop production or urban or suburban landscape management or to control seepage in dams, dikes, and levees;

(2) Determining the quantity, quality, level, or movement of ground water in or the stratigraphy of an aquifer, excluding borings for instrumentation in dams, dikes, levees, or highway embankments;

(3) Removing or exchanging heat from ground water, excluding horizontal trenches that are installed for water source heat pump systems.

(C) "Aquifer" means a consolidated or unconsolidated geologic formation or series of formations that are hydraulically interconnected and that have the ability to receive, store, or transmit water.

(D) "Ground water" means all water occurring in an aquifer.

(E) "Ground water stress area" means a definable geographic

area in which ground water quantity is being affected by human activity or natural forces to the extent that continuous availability of supply is jeopardized by withdrawals.

(F) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes the United States, the state, any political subdivision of the state, and any department, division, board, commission, agency, or instrumentality of the United States, the state, or a political subdivision of the state.

(G) "State agency" or "agency of the state" has the same meaning as "agency" in section 111.15 of the Revised Code.

(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.

(I) "Floodplain" means the area adjoining any river, stream, watercourse, or lake that has been or may be covered by flood water.

(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.

(K) "One-hundred-year flood" means a flood having a one per cent chance of being equaled or exceeded in any given year.

(L) "One-hundred-year floodplain" means that portion of a floodplain inundated by a one-hundred-year flood.

(M) "Structure" means a walled and roofed building, including, without limitation, gas or liquid storage tanks, mobile



homes, and manufactured homes. 11520

(N) "Substantial improvement" means any reconstruction, 11521  
rehabilitation, addition, or other improvement of a structure, the 11522  
cost of which equals or exceeds fifty per cent of the market value 11523  
of the structure before the start of construction of the 11524  
improvement. "Substantial improvement" includes repairs to 11525  
structures that have incurred substantial damage regardless of the 11526  
actual repair work performed. "Substantial improvement" does not 11527  
include either of the following: 11528

(1) Any project for the improvement of a structure to correct 11529  
existing violations of state or local health, sanitary, or safety 11530  
code specifications that have been identified by the state or 11531  
local code enforcement official having jurisdiction and that are 11532  
the minimum necessary to ensure safe living conditions; 11533

(2) Any alteration of an historic structure designated or 11534  
listed pursuant to federal or state law, provided that the 11535  
alteration will not preclude the structure's continued listing or 11536  
designation as an historic structure. 11537

~~(O) "Shore structure" includes, but is not limited to:~~ 11538  
~~beaches; groins; revetments; bulkheads; seawalls; breakwaters;~~ 11539  
~~certain dikes designated by the chief of the division of water;~~ 11540  
~~piers; docks; jetties; wharves; marinas; boat ramps; any~~ 11541  
~~associated fill or debris used as part of the construction of~~ 11542  
~~shore structures that may affect shore erosion, wave action, or~~ 11543  
~~inundation; and fill or debris placed along or near the shore,~~ 11544  
~~including bluffs, banks, or beach ridges, for the purpose of~~ 11545  
~~stabilizing slopes.~~ 11546

(P) "Substantial damage" means damage of any origin that is 11547  
sustained by a structure if the cost of restoring the structure to 11548  
its condition prior to the damage would equal or exceed fifty per 11549  
cent of the market value of the structure before the damage 11550

occurred. 11551

~~(Q)~~(P) "National flood insurance program" means the national 11552  
flood insurance program established in the "National Flood 11553  
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C. 4001, as amended, 11554  
and regulations adopted under it. 11555

~~(R)~~(O) "Conservancy district" means a conservancy district 11556  
established under Chapter 6101. of the Revised Code. 11557

~~(S)~~ "Park board" means the board of park commissioners of a 11558  
park district created under Chapter 1545. of the Revised Code. 11559

~~(T)~~ "Erosion control structure" means anything that is 11560  
designed primarily to reduce or control erosion of the shore along 11561  
or near lake erie, including, but not limited to, revetments, 11562  
seawalls, bulkheads, certain breakwaters designated by the chief, 11563  
and similar structures. "Erosion control structure" does not 11564  
include wharves, piers, docks, marinas, boat ramps, and other 11565  
similar structures. 11566

**Sec. 1521.99.** (A) Whoever violates division (E)(1) of section 11567  
1521.05 or division (E)(1) of section 1521.16 of the Revised Code 11568  
is guilty of a misdemeanor of the fourth degree. 11569

(B) Whoever violates section 1521.06 or 1521.062 of the 11570  
Revised Code shall be fined not less than one hundred dollars nor 11571  
more than one thousand dollars for each offense. Each day of 11572  
violation constitutes a separate offense. 11573

~~(C)~~ Whoever violates sections 1521.20 to 1521.30 of the 11574  
Revised Code shall be fined not less than one hundred dollars nor 11575  
more than one thousand dollars for each offense. Each day of 11576  
violation constitutes a separate offense. 11577

**Sec. 1531.06.** (A) The chief of the division of wildlife, with 11578  
the approval of the director of natural resources, may acquire by 11579

gift, lease, purchase, or otherwise lands or surface rights upon 11580  
lands and waters or surface rights upon waters for wild animals, 11581  
fish or game management, preservation, propagation, and 11582  
protection, outdoor and nature activities, public fishing and 11583  
hunting grounds, and flora and fauna preservation. The chief, with 11584  
the approval of the director, may receive by grant, devise, 11585  
bequest, donation, or assignment evidences of indebtedness, the 11586  
proceeds of which are to be used for the purchase of such lands or 11587  
surface rights upon lands and waters or surface rights upon 11588  
waters. 11589

(B)(1) The chief shall adopt rules for the protection of 11590  
state-owned or leased lands and waters and property under the 11591  
division's control against wrongful use or occupancy that will 11592  
ensure the carrying out of the intent of this section, protect 11593  
those lands, waters, and property from depredations, and preserve 11594  
them from molestation, spoilation, destruction, or any improper 11595  
use or occupancy thereof, including rules with respect to 11596  
recreational activities and for the government and use of such 11597  
lands, waters, and property. 11598

(2) The chief may adopt rules benefiting wild animals, fish 11599  
or game management, preservation, propagation, and protection, 11600  
outdoor and nature activities, public fishing and hunting grounds, 11601  
and flora and fauna preservation, and regulating the taking and 11602  
possession of wild animals on any lands or waters owned or leased 11603  
or under the division's supervision and control and, for a 11604  
specified period of years, may prohibit or recall the taking and 11605  
possession of any wild animal on any portion of such lands or 11606  
waters. The division clearly shall define and mark the boundaries 11607  
of the lands and waters owned or leased or under its supervision 11608  
and control upon which the taking of any wild animal is 11609  
prohibited. 11610

(C) The chief, with the approval of the director, may acquire 11611

by gift, lease, or purchase land for the purpose of establishing 11612  
state fish hatcheries and game farms and may erect on it buildings 11613  
or structures that are necessary. 11614

The title to or lease of such lands and waters shall be taken 11615  
by the chief in the name of the state. The lease or purchase price 11616  
of all such lands and waters may be paid from hunting and trapping 11617  
and fishing licenses and any other funds. 11618

(D) To provide more public recreation, stream and lake 11619  
agreements for public fishing only may be obtained under rules 11620  
adopted by the chief. 11621

(E) The chief, with the approval of the director, may 11622  
establish user fees for the use of special public facilities or 11623  
participation in special activities on lands and waters 11624  
administered by the division. The special facilities and 11625  
activities may include hunting or fishing on special designated 11626  
public lands and waters intensively managed or stocked with 11627  
artificially propagated game birds or fish, field trial 11628  
facilities, wildlife nature centers, firearm ranges, boat mooring 11629  
facilities, camping sites, and other similar special facilities 11630  
and activities. The chief shall determine whether the user fees 11631  
are refundable and shall ensure that that information is provided 11632  
at the time the user fees are paid. 11633

(F) The chief, with the approval of the director, may enter 11634  
into lease agreements for rental of concessions or other special 11635  
projects situated on state-owned or leased lands or waters or 11636  
other property under the division's control. The chief shall set 11637  
and collect the fees for concession rentals or other special 11638  
projects; regulate through contracts between the division and 11639  
concessionaires the sale of tangible objects at concessions or 11640  
other special projects; and keep a record of all such fee payments 11641  
showing the amount received, from whom received, and for what 11642  
purpose the fee was collected. 11643

(G) The chief may sell or donate conservation-related items 11644  
or items that promote wildlife conservation, including, but not 11645  
limited to, stamps, pins, badges, books, bulletins, maps, 11646  
publications, calendars, and any other educational article or 11647  
artifact pertaining to wild animals; sell confiscated or forfeited 11648  
items; and sell surplus structures and equipment, and timber or 11649  
crops from lands owned, administered, leased, or controlled by the 11650  
division. The chief, with the approval of the director, also may 11651  
engage in campaigns and special events that promote wildlife 11652  
conservation by selling or donating wildlife-related materials, 11653  
memberships, and other items of promotional value. 11654

(H) The chief may sell, lease, or transfer minerals or 11655  
mineral rights, with the approval of the director, when the chief 11656  
and the director determine it to be in the best interest of the 11657  
state. Upon approval of the director, the chief may make, execute, 11658  
and deliver contracts, including leases, to mine, drill, or 11659  
excavate iron ore, stone, coal, petroleum, gas, salt, and other 11660  
minerals upon and under lands owned by the state and administered 11661  
by the division to any person who complies with the terms of such 11662  
a contract. No such contract shall be valid for more than fifty 11663  
years from its effective date. Consideration for minerals and 11664  
mineral rights shall be by rental or royalty basis as prescribed 11665  
by the chief and payable as prescribed by contract. Moneys 11666  
collected under this division shall be paid into the state 11667  
treasury to the credit of the wildlife habitat fund created in 11668  
section 1531.33 of the Revised Code. Contracts entered into under 11669  
this division also may provide for consideration for minerals or 11670  
mineral rights in the form of acquisition of lands as provided 11671  
under divisions (A) and (C) of this section. 11672

(I) All moneys received under divisions (E), (F), and (G) of 11673  
this section shall be paid into the state treasury to the credit 11674  
of a fund that shall be used for the purposes outlined in section 11675

1533.15 of the Revised Code and for the management of other wild animals for their ecological and nonconsumptive recreational value or benefit.

(J) The chief, with the approval of the director, may barter or sell wild animals to other states, state or federal agencies, and conservation or zoological organizations. Moneys received from the sale of wild animals shall be deposited into the wild animal fund created in section 1531.34 of the Revised Code.

(K) The chief shall adopt rules establishing standards and guidelines for the administration of contraceptive chemicals to noncaptive wild animals. The rules may specify chemical delivery methods and devices and monitoring requirements.

The chief shall establish criteria for the issuance of and shall issue permits for the administration of contraceptive chemicals to noncaptive wild animals. No person shall administer contraceptive chemicals to noncaptive wild animals without a permit issued by the chief.

(L) All fees set by the chief under this section shall be approved by the wildlife council.

**Sec. 1531.35.** The wildlife boater angler fund is hereby created in the state treasury. The fund shall consist of money credited to the fund pursuant to section 5735.051 of the Revised Code and other money contributed to the division of wildlife for the purposes of the fund. The fund shall be used for boating access construction, improvements, and maintenance, and to pay for equipment and personnel costs involved with those activities, on lakes on which the operation of gasoline-powered watercraft is permissible. However, not more than two hundred thousand dollars of the annual expenditures from the fund may be used to pay for the equipment and personnel costs.

**Sec. 1548.06.** (A)(1) Application for a certificate of title 11706  
for a watercraft or outboard motor shall be made upon a form 11707  
prescribed by the chief of the division of watercraft and shall be 11708  
sworn to before a notary public or other officer empowered to 11709  
administer oaths. The application shall be filed with the clerk of 11710  
any court of common pleas. An application for a certificate of 11711  
title may be filed electronically by any electronic means approved 11712  
by the chief in any county with the clerk of the court of common 11713  
pleas of that county. The application shall be accompanied by the 11714  
fee prescribed in section 1548.10 of the Revised Code. The fee 11715  
shall be retained by the clerk who issues the certificate of title 11716  
and shall be distributed in accordance with that section. If a 11717  
clerk of a court of common pleas, other than the clerk of the 11718  
court of common pleas of an applicant's county of residence, 11719  
issues a certificate of title to the applicant, the clerk shall 11720  
transmit data related to the transaction to the automated title 11721  
processing system. 11722

(2) If a certificate of title previously has been issued for 11723  
the watercraft or outboard motor, the application for a 11724  
certificate of title also shall be accompanied by the certificate 11725  
of title duly assigned unless otherwise provided in this chapter. 11726  
If a certificate of title previously has not been issued for the 11727  
watercraft or outboard motor in this state, the application, 11728  
unless otherwise provided in this chapter, shall be accompanied by 11729  
a manufacturer's or importer's certificate; by a sworn statement 11730  
of ownership if the watercraft or outboard motor was purchased by 11731  
the applicant on or before October 9, 1963, or if the watercraft 11732  
is less than fourteen feet long with a permanently affixed 11733  
mechanical means of propulsion and was purchased by the applicant 11734  
on or before January 1, 2000; or by a certificate of title, bill 11735  
of sale, or other evidence of ownership required by the law of 11736  
another state from which the watercraft or outboard motor was 11737

brought into this state. Evidence of ownership of a watercraft or 11738  
outboard motor for which an Ohio certificate of title previously 11739  
has not been issued and which watercraft or outboard motor does 11740  
not have permanently affixed to it a manufacturer's serial number 11741  
shall be accompanied by the certificate of assignment of a hull 11742  
identification number assigned by the chief as provided in section 11743  
1548.07 of the Revised Code. 11744

(3) The clerk shall retain the evidence of title presented by 11745  
the applicant and on which the certificate of title is issued, 11746  
except that, if an application for a certificate of title is filed 11747  
electronically, by a vendor on behalf of a purchaser of a 11748  
watercraft or outboard motor, the clerk shall retain the completed 11749  
electronic record to which the vendor converted the certificate of 11750  
title application and other required documents. The chief, after 11751  
consultation with the attorney general, shall adopt rules that 11752  
govern the location at which, and the manner in which, are stored 11753  
the actual application and all other documents relating to the 11754  
sale of a watercraft or outboard motor when a vendor files the 11755  
application for a certificate of title electronically on behalf of 11756  
a purchaser. 11757

(B) The clerk shall use reasonable diligence in ascertaining 11758  
whether the facts in the application are true by checking the 11759  
application and documents accompanying it or the electronic record 11760  
to which a vendor converted the application and accompanying 11761  
documents with the records of watercraft and outboard motors in 11762  
the clerk's office. If the clerk is satisfied that the applicant 11763  
is the owner of the watercraft or outboard motor and that the 11764  
application is in the proper form, the clerk shall issue a 11765  
physical certificate of title over the clerk's signature and 11766  
sealed with the clerk's seal unless the applicant specifically 11767  
requests the clerk not to issue a physical certificate of title 11768  
and instead to issue an electronic certificate of title. However, 11769



if the evidence indicates and an investigation shows that one or 11770  
more Ohio titles already exist for the watercraft or outboard 11771  
motor, the chief may cause the redundant title or titles to be 11772  
canceled. 11773

(C) In the case of the sale of a watercraft or outboard motor 11774  
by a vendor to a general purchaser or user, the certificate of 11775  
title shall be obtained in the name of the purchaser by the vendor 11776  
upon application signed by the purchaser. In all other cases, the 11777  
certificate shall be obtained by the purchaser. In all cases of 11778  
transfer of watercraft or outboard motors, the application for 11779  
certificate of title shall be filed within thirty days after the 11780  
later of the date of purchase or assignment of ownership of the 11781  
watercraft or outboard motor. If the application for certificate 11782  
of title is not filed within thirty days after the later of the 11783  
date of purchase or assignment of ownership of the watercraft or 11784  
outboard motor, the clerk shall charge a late penalty fee of five 11785  
dollars in addition to the fee prescribed by section 1548.10 of 11786  
the Revised Code. The clerk shall retain the entire amount of each 11787  
late penalty fee. 11788

(D) The clerk shall refuse to accept an application for 11789  
certificate of title unless the applicant either tenders with the 11790  
application payment of all taxes levied by or pursuant to Chapter 11791  
5739. or 5741. of the Revised Code based on the applicant's county 11792  
of residence ~~less, in the case of a sale by a vendor, any discount~~ 11793  
~~to which the vendor is entitled under section 5739.12 of the~~ 11794  
~~Revised Code,~~ or submits any of the following: 11795

(1) A receipt issued by the tax commissioner or a clerk of 11796  
courts showing payment of the tax; 11797

(2) A copy of the unit certificate of exemption completed by 11798  
the purchaser at the time of sale as provided in section 5739.03 11799  
of the Revised Code; 11800

(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.

(E)(1) For receiving and disbursing the taxes paid to the clerk by a resident of the clerk's county, the clerk may retain a poundage fee of one and one one-hundredth per cent of the taxes collected, which shall be paid into the certificate of title administration fund created by section 325.33 of the Revised Code. The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county.

(2) A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common pleas to applicants who reside in the first clerk's county. The chief of the division of watercraft, in consultation with the tax commissioner and the clerks of the courts of common pleas, shall develop a report from the automated title processing system that informs each clerk of the amount of the poundage fees that the clerk is permitted to retain from those taxes because of certificates of title issued by the clerks of other counties to applicants who reside in the first clerk's county.

(F) In the case of casual sales of watercraft or outboard motors that are subject to the tax imposed by Chapter 5739. or 5741. of the Revised Code, the purchase price for the purpose of determining the tax shall be the purchase price on an affidavit executed and filed with the clerk by the vendor on a form to be prescribed by the chief, which shall be prima-facie evidence of

the price for the determination of the tax. In addition to the 11833  
information required by section 1548.08 of the Revised Code, each 11834  
certificate of title shall contain in bold lettering the following 11835  
notification and statements: "WARNING TO TRANSFEROR AND TRANSFEREE 11836  
(SELLER AND BUYER). You are required by law to state the true 11837  
selling price. A false statement is a violation of section 2921.13 11838  
of the Revised Code and is punishable by six months imprisonment 11839  
or a fine of up to one thousand dollars, or both. All transfers 11840  
are audited by the department of taxation. The seller and buyer 11841  
must provide any information requested by the department of 11842  
taxation. The buyer may be assessed any additional tax found to be 11843  
due." 11844

(G) Each county clerk of courts shall forward to the 11845  
treasurer of state all sales and use tax collections resulting 11846  
from sales of titled watercraft and outboard motors during a 11847  
calendar week on or before the Friday following the close of that 11848  
week. If, on any Friday, the offices of the clerk of courts or the 11849  
state are not open for business, the tax shall be forwarded to the 11850  
treasurer of state on or before the next day on which the offices 11851  
are open. Every remittance of tax under this division shall be 11852  
accompanied by a remittance report in such form as the tax 11853  
commissioner prescribes. Upon receipt of a tax remittance and 11854  
remittance report, the treasurer of state shall date stamp the 11855  
report and forward it to the tax commissioner. If the tax due for 11856  
any week is not remitted by a clerk of courts as required under 11857  
this division, the clerk shall forfeit the poundage fees for the 11858  
sales made during that week. The treasurer of state may require 11859  
the clerks of courts to transmit tax collections and remittance 11860  
reports electronically. 11861

(H) For purposes of a transfer of a certificate of title, if 11862  
the clerk is satisfied that a secured party has discharged a lien 11863  
but has not canceled the lien notation with a clerk, the clerk may 11864

cancel the lien notation on the automated title processing system 11865  
and notify the clerk of the county of origin. 11866

(I) Every clerk shall have the capability to transact by 11867  
electronic means all procedures and transactions relating to the 11868  
issuance of watercraft or outboard motor certificates of title 11869  
that are described in the Revised Code as being accomplished by 11870  
electronic means. 11871

**Sec. 1555.08.** (A) Subject to the limitations provided in 11872  
Section 15 of Article VIII, Ohio Constitution, the commissioners 11873  
of the sinking fund, upon certification by the director of the 11874  
Ohio coal development office of the amount of moneys or additional 11875  
moneys needed in the coal research and development fund for the 11876  
purpose of making grants or loans for allowable costs, or needed 11877  
for capitalized interest, for funding reserves, and for paying 11878  
costs and expenses incurred in connection with the issuance, 11879  
carrying, securing, paying, redeeming, or retirement of the 11880  
obligations or any obligations refunded thereby, including payment 11881  
of costs and expenses relating to letters of credit, lines of 11882  
credit, insurance, put agreements, standby purchase agreements, 11883  
indexing, marketing, remarketing and administrative arrangements, 11884  
interest swap or hedging agreements, and any other credit 11885  
enhancement, liquidity, remarketing, renewal, or refunding 11886  
arrangements, all of which are authorized by this section, or 11887  
providing moneys for loan guarantees, shall issue obligations of 11888  
the state under this section in amounts authorized by the general 11889  
assembly; provided that such obligations may be issued to the 11890  
extent necessary to satisfy the covenants in contracts of 11891  
guarantee made under section 1555.05 of the Revised Code to issue 11892  
obligations to meet such guarantees, notwithstanding limitations 11893  
otherwise applicable to the issuance of obligations under this 11894  
section except the one-hundred-million-dollar limitation provided 11895  
in Section 15 of Article VIII, Ohio Constitution. The proceeds of 11896

such obligations, except for the portion to be deposited in the 11897  
coal research and development bond service fund as may be provided 11898  
in the bond proceedings, shall as provided in the bond proceedings 11899  
be deposited in the coal research and development fund. The 11900  
commissioners of the sinking fund may appoint trustees, paying 11901  
agents, and transfer agents and may retain the services of 11902  
financial advisors, accounting experts, and attorneys, and retain 11903  
or contract for the services of marketing, remarketing, indexing, 11904  
and administrative agents, other consultants, and independent 11905  
contractors, including printing services, as are necessary in 11906  
their judgment to carry out this section. 11907

(B) The full faith and credit of the state of Ohio is hereby 11908  
pledged to obligations issued under this section. The right of the 11909  
holders and owners to payment of bond service charges is limited 11910  
to all or that portion of the moneys pledged thereto pursuant to 11911  
the bond proceedings in accordance with this section, and each 11912  
such obligation shall bear on its face a statement to that effect. 11913

(C) Obligations shall be authorized by resolution of the 11914  
commissioners of the sinking fund on request of the director of 11915  
the Ohio coal development office as provided in section 1555.02 of 11916  
the Revised Code and the bond proceedings shall provide for the 11917  
purpose thereof and the principal amount or amounts, and shall 11918  
provide for or authorize the manner or agency for determining the 11919  
principal maturity or maturities, not exceeding forty years from 11920  
the date of issuance, the interest rate or rates or the maximum 11921  
interest rate, the date of the obligations and the dates of 11922  
payment of interest thereon, their denomination, and the 11923  
establishment within or without the state of a place or places of 11924  
payment of bond service charges. Sections 9.98 to 9.983 of the 11925  
Revised Code apply to obligations issued under this section. The 11926  
purpose of such obligations may be stated in the bond proceedings 11927  
in terms describing the general purpose or purposes to be served. 11928

The bond proceedings shall also provide, subject to the provisions 11929  
of any other applicable bond proceedings, for the pledge of all, 11930  
or such part as the commissioners of the sinking fund may 11931  
determine, of the moneys credited to the coal research and 11932  
development bond service fund to the payment of bond service 11933  
charges, which pledges may be made either prior or subordinate to 11934  
other expenses, claims, or payments and may be made to secure the 11935  
obligations on a parity with obligations theretofore or thereafter 11936  
issued, if and to the extent provided in the bond proceedings. The 11937  
moneys so pledged and thereafter received by the state are 11938  
immediately subject to the lien of such pledge without any 11939  
physical delivery thereof or further act, and the lien of any such 11940  
pledges is valid and binding against all parties having claims of 11941  
any kind against the state or any governmental agency of the 11942  
state, irrespective of whether such parties have notice thereof, 11943  
and shall create a perfected security interest for all purposes of 11944  
Chapter 1309. of the Revised Code, without the necessity for 11945  
separation or delivery of funds or for the filing or recording of 11946  
the bond proceedings by which such pledge is created or any 11947  
certificate, statement or other document with respect thereto; and 11948  
the pledge of such moneys is effective and the money therefrom and 11949  
thereof may be applied to the purposes for which pledged without 11950  
necessity for any act of appropriation. Every pledge, and every 11951  
covenant and agreement made with respect thereto, made in the bond 11952  
proceedings may therein be extended to the benefit of the owners 11953  
and holders of obligations authorized by this section, and to any 11954  
trustee therefor, for the further security of the payment of the 11955  
bond service charges. 11956

(D) The bond proceedings may contain additional provisions as 11957  
to: 11958

(1) The redemption of obligations prior to maturity at the 11959  
option of the commissioners of the sinking fund at such price or 11960

prices and under such terms and conditions as are provided in the	11961
bond proceedings;	11962
(2) Other terms of the obligations;	11963
(3) Limitations on the issuance of additional obligations;	11964
(4) The terms of any trust agreement or indenture securing	11965
the obligations or under which the obligations may be issued;	11966
(5) The deposit, investment, and application of the coal	11967
research and development bond service fund, and the safeguarding	11968
of moneys on hand or on deposit, without regard to Chapter 131. or	11969
135. of the Revised Code, but subject to any special provisions of	11970
this chapter, with respect to particular moneys; provided, that	11971
any bank or trust company which acts as depository of any moneys	11972
in the fund may furnish such indemnifying bonds or may pledge such	11973
securities as required by the commissioners of the sinking fund;	11974
(6) Any other provision of the bond proceedings being binding	11975
upon the commissioners of the sinking fund, or such other body or	11976
person as may from time to time have the authority under law to	11977
take such actions as may be necessary to perform all or any part	11978
of the duty required by such provision;	11979
(7) Any provision which may be made in a trust agreement or	11980
indenture;	11981
(8) Any other or additional agreements with the holders of	11982
the obligations, or the trustee therefor, relating to the	11983
obligations or the security therefor, including the assignment of	11984
mortgages or other security obtained or to be obtained for loans	11985
under this chapter.	11986
(E) The obligations may have the great seal of the state or a	11987
facsimile thereof affixed thereto or printed thereon. The	11988
obligations shall be signed by such members of the commissioners	11989
of the sinking fund as are designated in the resolution	11990

authorizing the obligations or bear the facsimile signatures of 11991  
such members. Any coupons attached to the obligations shall bear 11992  
the facsimile signature of the treasurer of state. Any obligations 11993  
may be executed by the persons who, on the date of execution, are 11994  
the commissioners although on the date of such bonds the persons 11995  
were not the commissioners. Any coupons may be executed by the 11996  
person who, on the date of execution, is the treasurer of state 11997  
although on the date of such coupons the person was not the 11998  
treasurer of state. In case any officer or commissioner whose 11999  
signature or a facsimile of whose signature appears on any such 12000  
obligations or any coupons ceases to be such officer or 12001  
commissioner before delivery thereof, such signature or facsimile 12002  
is nevertheless valid and sufficient for all purposes as if the 12003  
individual had remained such officer or commissioner until such 12004  
delivery; and in case the seal to be affixed to obligations has 12005  
been changed after a facsimile of the seal has been imprinted on 12006  
such obligations, such facsimile seal shall continue to be 12007  
sufficient as to such obligations and obligations issued in 12008  
substitution or exchange therefor. 12009

(F) All obligations except loan guarantees are negotiable 12010  
instruments and securities under Chapter 1308. of the Revised 12011  
Code, subject to the provisions of the bond proceedings as to 12012  
registration. The obligations may be issued in coupon or in 12013  
registered form, or both, as the commissioners of the sinking fund 12014  
determine. Provision may be made for the registration of any 12015  
obligations with coupons attached thereto as to principal alone or 12016  
as to both principal and interest, their exchange for obligations 12017  
so registered, and for the conversion or reconversion into 12018  
obligations with coupons attached thereto of any obligations 12019  
registered as to both principal and interest, and for reasonable 12020  
charges for such registration, exchange, conversion, and 12021  
reconversion. 12022



(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, which may be any trust company or bank having ~~its principal a~~ place of business within the state. Any such agreement or indenture may contain the resolution authorizing the issuance of the obligations, any provisions that may be contained in any bond proceedings, and other provisions that are customary or appropriate in an agreement or indenture of such type, including, but not limited to:

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

(2) 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 a part of the contract under which the obligations were issued, enforcement of such payments or agreement by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of the foregoing;

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

(4) The replacement of any obligations that become mutilated 12054  
or are destroyed, lost, or stolen; 12055

(5) Such other provisions as the trustee and the 12056  
commissioners of the sinking fund agree upon, including 12057  
limitations, conditions, or qualifications relating to any of the 12058  
foregoing. 12059

(J) Any holder of obligations or a trustee under the bond 12060  
proceedings, except to the extent that the holder's rights are 12061  
restricted by the bond proceedings, may by any suitable form of 12062  
legal proceedings protect and enforce any rights under the laws of 12063  
this state or granted by such bond proceedings. Such rights 12064  
include the right to compel the performance of all duties of the 12065  
commissioners of the sinking fund, the Ohio air quality 12066  
development authority, or the Ohio coal development office 12067  
required by this chapter and Chapter 1551. of the Revised Code or 12068  
the bond proceedings; to enjoin unlawful activities; and in the 12069  
event of default with respect to the payment of any bond service 12070  
charges on any obligations or in the performance of any covenant 12071  
or agreement on the part of the commissioners, the authority, or 12072  
the office in the bond proceedings, to apply to a court having 12073  
jurisdiction of the cause to appoint a receiver to receive and 12074  
administer the moneys pledged, other than those in the custody of 12075  
the treasurer of state, that are pledged to the payment of the 12076  
bond service charges on such obligations or that are the subject 12077  
of the covenant or agreement, with full power to pay, and to 12078  
provide for payment of bond service charges on, such obligations, 12079  
and with such powers, subject to the direction of the court, as 12080  
are accorded receivers in general equity cases, excluding any 12081  
power to pledge additional revenues or receipts or other income or 12082  
moneys of the commissioners of the sinking fund or the state or 12083  
governmental agencies of the state to the payment of such 12084  
principal and interest and excluding the power to take possession 12085

of, mortgage, or cause the sale or otherwise dispose of any project. 12086  
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Each duty of the commissioners of the sinking fund and their employees, and of each governmental agency and its officers, members, or employees, undertaken pursuant to the bond proceedings or any grant, loan, or loan guarantee agreement made under authority of this chapter, and in every agreement by or with the commissioners, is hereby established as a duty of the commissioners, and of each such officer, member, or employee having authority to perform such duty, specifically enjoined by the law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code. 12088  
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The persons who are at the time the commissioners of the sinking fund, or their employees, are not liable in their personal capacities on any obligations issued by the commissioners or any agreements of or with the commissioners. 12098  
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(K) Obligations issued under this section are lawful investments for banks, societies for savings, savings and loan associations, deposit guarantee associations, 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 political subdivisions and taxing districts of this state, the commissioners of the sinking fund of the state, the administrator of workers' compensation, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules adopted pursuant thereto by any governmental agency of the state with respect to investments by them, and are also acceptable as security for the deposit of public moneys. 12102  
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(L) If the law or the instrument creating a trust pursuant to 12117

division (I) of this section expressly permits investment in 12118  
direct obligations of the United States or an agency of the United 12119  
States, unless expressly prohibited by the instrument, such moneys 12120  
also may be invested in no-front-end-load money market mutual 12121  
funds consisting exclusively of obligations of the United States 12122  
or an agency of the United States and in repurchase agreements, 12123  
including those issued by the fiduciary itself, secured by 12124  
obligations of the United States or an agency of the United 12125  
States; and in collective investment funds established in 12126  
accordance with section 1111.14 of the Revised Code and consisting 12127  
exclusively of any such securities, notwithstanding division 12128  
(A)(1)(c) of that section. The income from such investments shall 12129  
be credited to such funds as the commissioners of the sinking fund 12130  
determine, and such investments may be sold at such times as the 12131  
commissioners determine or authorize. 12132

(M) Provision may be made in the applicable bond proceedings 12133  
for the establishment of separate accounts in the bond service 12134  
fund and for the application of such accounts only to the 12135  
specified bond service charges on obligations pertinent to such 12136  
accounts and bond service fund and for other accounts therein 12137  
within the general purposes of such fund. Moneys to the credit of 12138  
the bond service fund shall be disbursed on the order of the 12139  
treasurer of state; provided, that no such order is required for 12140  
the payment from the bond service fund when due of bond service 12141  
charges on obligations. 12142

(N) The commissioners of the sinking fund may pledge all, or 12143  
such portion as they determine, of the receipts of the bond 12144  
service fund to the payment of bond service charges on obligations 12145  
issued under this section, and for the establishment and 12146  
maintenance of any reserves, as provided in the bond proceedings, 12147  
and make other provisions therein with respect to pledged receipts 12148  
as authorized by this chapter, which provisions control 12149

notwithstanding any other provisions of law pertaining thereto. 12150

(O) The commissioners of the sinking fund may covenant in the 12151  
bond proceedings, and any such covenants control notwithstanding 12152  
any other provision of law, that the state and applicable officers 12153  
and governmental agencies of the state, including the general 12154  
assembly, so long as any obligations are outstanding, shall: 12155

(1) Maintain statutory authority for and cause to be levied 12156  
and collected taxes so that the pledged receipts are sufficient in 12157  
amount to meet bond service charges, and the establishment and 12158  
maintenance of any reserves and other requirements provided for in 12159  
the bond proceedings, and, as necessary, to meet covenants 12160  
contained in any loan guarantees made under this chapter; 12161

(2) Take or permit no action, by statute or otherwise, that 12162  
would impair the exemption from federal income taxation of the 12163  
interest on the obligations. 12164

(P) All moneys received by or on account of the state and 12165  
required by the applicable bond proceedings, consistent with this 12166  
section, to be deposited, transferred, or credited to the coal 12167  
research and development bond service fund, and all other moneys 12168  
transferred or allocated to or received for the purposes of the 12169  
fund, shall be credited to such fund and to any separate accounts 12170  
therein, subject to applicable provisions of the bond proceedings, 12171  
but without necessity for any act of appropriation. During the 12172  
period beginning with the date of the first issuance of 12173  
obligations and continuing during such time as any such 12174  
obligations are outstanding, and so long as moneys in the bond 12175  
service fund are insufficient to pay all bond service charges on 12176  
such obligations becoming due in each year, a sufficient amount of 12177  
moneys of the state are committed and shall be paid to the bond 12178  
service fund in each year for the purpose of paying the bond 12179  
service charges becoming due in that year without necessity for 12180  
further act of appropriation for such purpose. The bond service 12181

fund is a trust fund and is hereby pledged to the payment of bond 12182  
service charges to the extent provided in the applicable bond 12183  
proceedings, and payment thereof from such fund shall be made or 12184  
provided for by the treasurer of state in accordance with such 12185  
bond proceedings without necessity for any act of appropriation. 12186  
All investment earnings of the fund shall be credited to the fund. 12187

(Q) For purposes of establishing the limitations contained in 12188  
Section 15 of Article VIII, Ohio Constitution, the "principal 12189  
amount" refers to the aggregate of the offering price of the bonds 12190  
or notes. "Principal amount" does not refer to the aggregate value 12191  
at maturity or redemption of the bonds or notes. 12192

(R) This section applies only with respect to obligations 12193  
issued and delivered prior to September 30, 2000. 12194

**Sec. 1557.03.** (A)(1) The commissioners of the sinking fund 12195  
are authorized to issue and sell, as provided in this section and 12196  
in amounts from time to time authorized by the general assembly, 12197  
general obligations of this state for the purpose of financing or 12198  
assisting in the financing of the costs of projects. The full 12199  
faith and credit, revenues, and taxing power of the state are and 12200  
shall be pledged to the timely payment of debt charges on 12201  
outstanding obligations, all in accordance with Section 21 of 12202  
Article VIII, Ohio Constitution, and Chapter 1557. of the Revised 12203  
Code, excluding from that pledge fees, excises, or taxes relating 12204  
to the registration, operation, or use of vehicles on the public 12205  
highways, or to fuels used for propelling those vehicles, and so 12206  
long as such obligations are outstanding there shall be levied and 12207  
collected excises and taxes, excluding those excepted above, in 12208  
amount sufficient to pay the debt charges on such obligations and 12209  
financing costs relating to credit enhancement facilities. 12210

(2) For meetings of the commissioners of the sinking fund 12211  
pertaining to the obligations under this chapter, each of the 12212

commissioners may designate an employee or officer of that 12213  
commissioner's office to attend meetings when that commissioner is 12214  
absent for any reason, and such designee, when present, shall be 12215  
counted in determining whether a quorum is present at any meeting 12216  
and may vote and participate in all proceedings and actions of the 12217  
commissioners at that meeting pertaining to the obligations, 12218  
provided, that such designee shall not execute or cause a 12219  
facsimile of the designee's signature to be placed on any 12220  
obligation, or execute any trust agreement or indenture of the 12221  
commissioners. Such designation shall be in writing, executed by 12222  
the designating member, and shall be filed with the secretary of 12223  
the commissioners and such designation may be changed from time to 12224  
time by a similar written designation. 12225

(B) The total principal amount of obligations outstanding at 12226  
any one time shall not exceed two hundred million dollars, and not 12227  
more than fifty million dollars in principal amount of obligations 12228  
to pay costs of projects may be issued in any fiscal year, all 12229  
determined as provided in Chapter 1557. of the Revised Code. 12230

(C) The state may participate by grants or contributions in 12231  
financing projects under this section made by local government 12232  
entities. Of the proceeds of the first two hundred million dollars 12233  
principal amount in obligations issued under this section to pay 12234  
costs of projects, at least twenty per cent shall be allocated in 12235  
accordance with section 1557.06 of the Revised Code to grants or 12236  
contributions to local government entities. The director of budget 12237  
and management shall establish and maintain records in such manner 12238  
as to show that the proceeds credited to the Ohio parks and 12239  
natural resources fund have been expended for the purposes and in 12240  
accordance with the limitations set forth herein. 12241

(D) Each issue of obligations shall be authorized by 12242  
resolution of the commissioners of the sinking fund. The bond 12243  
proceedings shall provide for the principal amount or maximum 12244

principal amount of obligations of an issue, and shall provide for 12245  
or authorize the manner or agency for determining the principal 12246  
maturity or maturities, not exceeding the earlier of twenty-five 12247  
years from the date the debt represented by the particular 12248  
obligations was originally contracted, the interest rate or rates, 12249  
the date of and the dates of payment of interest on the 12250  
obligations, their denominations, and the establishment within or 12251  
without the state of a place or places of payment of debt charges. 12252  
Sections 9.96 and 9.98 to 9.983 of the Revised Code are applicable 12253  
to the obligations. The purpose of the obligations may be stated 12254  
in the bond proceedings as "financing or assisting in the 12255  
financing of projects as provided in Section 21 of Article VIII, 12256  
Ohio Constitution." 12257

(E) The proceeds of the obligations, except for any portion 12258  
to be deposited in special funds, or in escrow funds for the 12259  
purpose of refunding outstanding obligations, all as may be 12260  
provided in the bond proceedings, shall be deposited in the Ohio 12261  
parks and natural resources fund established by section 1557.02 of 12262  
the Revised Code. 12263

(F) The commissioners of the sinking fund may appoint paying 12264  
agents, bond registrars, securities depositories, and transfer 12265  
agents, and may retain the services of financial advisers and 12266  
accounting experts, and retain or contract for the services of 12267  
marketing, remarketing, indexing, and administrative agents, other 12268  
consultants, and independent contractors, including printing 12269  
services, as are necessary in the judgment of the commissioners to 12270  
carry out this chapter of the Revised Code. Financing costs are 12271  
payable, as provided in the bond proceedings, from the proceeds of 12272  
the obligations, from special funds, or from other moneys 12273  
available for the purpose. 12274

(G) The bond proceedings, including any trust agreement, may 12275  
contain additional provisions customary or appropriate to the 12276



financing or to the obligations or to particular obligations,	12277
including, but not limited to:	12278
(1) The redemption of obligations prior to maturity at the	12279
option of the state or of the holder or upon the occurrence of	12280
certain conditions at such price or prices and under such terms	12281
and conditions as are provided in the bond proceedings;	12282
(2) The form of and other terms of the obligations;	12283
(3) The establishment, deposit, investment, and application	12284
of special funds, and the safeguarding of moneys on hand or on	12285
deposit, without regard to Chapter 131. or 135. of the Revised	12286
Code, provided that any bank or trust company that acts as a	12287
depository of any moneys in special funds may furnish such	12288
indemnifying bonds or may pledge such securities as required by	12289
the commissioners of the sinking fund;	12290
(4) Any or every provision of the bond proceedings binding	12291
upon the commissioners of the sinking fund and such state agency	12292
or local government entities, officer, board, commission,	12293
authority, agency, department, or other person or body as may from	12294
time to time have the authority under law to take such actions as	12295
may be necessary to perform all or any part of the duty required	12296
by such provision;	12297
(5) The maintenance of each pledge, any trust agreement, or	12298
other instrument composing part of the bond proceedings until the	12299
state has fully paid or provided for the payment of the debt	12300
charges on the obligations or met other stated conditions;	12301
(6) In the event of default in any payments required to be	12302
made by the bond proceedings, or any other agreement of the	12303
commissioners of the sinking fund made as part of a contract under	12304
which the obligations were issued or secured, the enforcement of	12305
such payments or agreements by mandamus, suit in equity, action at	12306
law, or any combination of the foregoing;	12307

(7) The rights and remedies of the holders of obligations and 12308  
of the trustee under any trust agreement, and provisions for 12309  
protecting and enforcing them, including limitations on rights of 12310  
individual holders of obligations; 12311

(8) The replacement of any obligations that become mutilated 12312  
or are destroyed, lost, or stolen; 12313

(9) Provision for the funding, refunding, or advance 12314  
refunding or other provision for payment of obligations which will 12315  
then no longer be or be deemed to be outstanding for purposes of 12316  
this section or of the bond proceedings; 12317

(10) Any provision that may be made in bond proceedings or a 12318  
trust agreement, including provision for amendment of the bond 12319  
proceedings; 12320

(11) Such other provisions as the commissioners of the 12321  
sinking fund determine, including limitations, conditions, or 12322  
qualifications relating to any of the foregoing; 12323

(12) Any other or additional agreements with the holders of 12324  
the obligations relating to the obligations or the security for 12325  
the obligations. 12326

(H) The great seal of the state or a facsimile of that seal 12327  
may be affixed to or printed on the obligations. The obligations 12328  
shall be signed by or bear the facsimile signatures of two or more 12329  
of the commissioners of the sinking fund as provided in the bond 12330  
proceedings. Any obligations may be signed by the person who, on 12331  
the date of execution, is the authorized signer although on the 12332  
date of such obligations such person was not a commissioner. In 12333  
case the individual whose signature or a facsimile of whose 12334  
signature appears on any obligation ceases to be a commissioner 12335  
before delivery of the obligation, such signature or facsimile is 12336  
nevertheless valid and sufficient for all purposes as if the 12337  
individual had remained the member until such delivery, and in 12338

case the seal to be affixed to or printed on obligations has been 12339  
changed after the seal has been affixed to or a facsimile of the 12340  
seal has been printed on the obligations, that seal or facsimile 12341  
seal shall continue to be sufficient as to those obligations and 12342  
obligations issued in substitution or exchange therefor. 12343

(I) Obligations may be issued in coupon or in fully 12344  
registered form, or both, as the commissioners of the sinking fund 12345  
determine. Provision may be made for the registration of any 12346  
obligations with coupons attached as to principal alone or as to 12347  
both principal and interest, their exchange for obligations so 12348  
registered, and for the conversion or reconversion into 12349  
obligations with coupons attached of any obligations registered as 12350  
to both principal and interest, and for reasonable charges for 12351  
such registration, exchange, conversion, and reconversion. Pending 12352  
preparation of definitive obligations, the commissioners of the 12353  
sinking fund may issue interim receipts or certificates which 12354  
shall be exchanged for such definitive obligations. 12355

(J) Obligations may be sold at public sale or at private 12356  
sale, and at such price at, above, or below par, as determined by 12357  
the commissioners of the sinking fund in the bond proceedings. 12358

(K) In the discretion of the commissioners of the sinking 12359  
fund, obligations may be secured additionally by a trust agreement 12360  
between the state and a corporate trustee which may be any trust 12361  
company or bank having ~~its principal~~ a place of business within 12362  
the state. Any trust agreement may contain the resolution 12363  
authorizing the issuance of the obligations, any provisions that 12364  
may be contained in the bond proceedings, and other provisions 12365  
that are customary or appropriate in an agreement of the type. 12366

(L) Except to the extent that their rights are restricted by 12367  
the bond proceedings, any holder of obligations, or a trustee 12368  
under the bond proceedings, may by any suitable form of legal 12369  
proceedings protect and enforce any rights under the laws of this 12370

state or granted by the bond proceedings. Such rights include the 12371  
right to compel the performance of all duties of the commissioners 12372  
and the state. Each duty of the commissioners and employees of the 12373  
commissioners, and of each state agency and local public entity 12374  
and its officers, members, or employees, undertaken pursuant to 12375  
the bond proceedings, is hereby established as a duty of the 12376  
commissioners, and of each such agency, local government entity, 12377  
officer, member, or employee having authority to perform such 12378  
duty, specifically enjoined by the law and resulting from an 12379  
office, trust, or station within the meaning of section 2731.01 of 12380  
the Revised Code. The persons who are at the time the 12381  
commissioners, or employees of the commissioners, are not liable 12382  
in their personal capacities on any obligations or any agreements 12383  
of or with the commissioners relating to obligations or under the 12384  
bond proceedings. 12385

(M) Obligations are lawful investments for banks, societies 12386  
for savings, savings and loan associations, deposit guarantee 12387  
associations, trust companies, trustees, fiduciaries, insurance 12388  
companies, including domestic for life and domestic not for life, 12389  
trustees or other officers having charge of sinking and bond 12390  
retirement or other special funds of political subdivisions and 12391  
taxing districts of this state, the commissioners of the sinking 12392  
fund, the administrator of workers' compensation, the state 12393  
teachers retirement system, the public employees retirement 12394  
system, the school employees retirement system, and the Ohio 12395  
police and fire pension fund, notwithstanding any other provisions 12396  
of the Revised Code or rules adopted pursuant thereto by any state 12397  
agency with respect to investments by them, and are also 12398  
acceptable as security for the deposit of public moneys. 12399

(N) Unless otherwise provided in any applicable bond 12400  
proceedings, moneys to the credit of or in the special funds 12401  
established by or pursuant to this section may be invested by or 12402

on behalf of the commissioners of the sinking fund only in notes, 12403  
bonds, or other direct obligations of the United States or of any 12404  
agency or instrumentality of the United States, in obligations of 12405  
this state or any political subdivision of this state, in 12406  
certificates of deposit of any national bank located in this state 12407  
and any bank, as defined in section 1101.01 of the Revised Code, 12408  
subject to inspection by the superintendent of financial 12409  
institutions, in the Ohio subdivision's fund established pursuant 12410  
to section 135.45 of the Revised Code, in no-front-end-load money 12411  
market mutual funds consisting exclusively of direct obligations 12412  
of the United States or of an agency or instrumentality of the 12413  
United States, and in repurchase agreements, including those 12414  
issued by any fiduciary, secured by direct obligations of the 12415  
United States or an agency or instrumentality of the United 12416  
States, and in collective investment funds established in 12417  
accordance with section 1111.14 of the Revised Code and consisting 12418  
exclusively of direct obligations of the United States or of an 12419  
agency or instrumentality of the United States, notwithstanding 12420  
division (A)(1)(c) of that section. The income from investments 12421  
shall be credited to such special funds or otherwise as the 12422  
commissioners of the sinking fund determine in the bond 12423  
proceedings, and the investments may be sold or exchanged at such 12424  
times as the commissioners determine or authorize. 12425

(O) Unless otherwise provided in any applicable bond 12426  
proceedings, moneys to the credit of or in a special fund shall be 12427  
disbursed on the order of the commissioners of the sinking fund, 12428  
provided that no such order is required for the payment from the 12429  
bond service fund or other special fund when due of debt charges 12430  
or required payments under credit enhancement facilities. 12431

(P) The commissioners of the sinking fund may covenant in the 12432  
bond proceedings, and any such covenants shall be controlling 12433  
notwithstanding any other provision of law, that the state and the 12434

applicable officers and agencies of the state, including the 12435  
general assembly, so long as any obligations are outstanding in 12436  
accordance with their terms, shall maintain statutory authority 12437  
for and cause to be charged and collected taxes, excises, and 12438  
other receipts of the state so that the receipts to the bond 12439  
service fund shall be sufficient in amounts to meet debt charges 12440  
and for the establishment and maintenance of any reserves and 12441  
other requirements, including payment of the costs of credit 12442  
enhancement facilities, provided for in the bond proceedings. 12443

(Q) The obligations, the transfer thereof, and the interest, 12444  
other accreted amounts, and other income therefrom, including any 12445  
profit made on the sale thereof, at all times shall be free from 12446  
taxation, direct or indirect, within the state. 12447

(R) This section applies only with respect to obligations 12448  
issued and delivered before September 30, 2000. 12449

**Sec. 1901.34.** (A) Except as provided in divisions (B) and (D) 12450  
of this section, the village solicitor, city director of law, or 12451  
similar chief legal officer for each municipal corporation within 12452  
the territory of a municipal court shall prosecute all cases 12453  
brought before the municipal court for criminal offenses occurring 12454  
within the municipal corporation for which that person is the 12455  
solicitor, director of law, or similar chief legal officer. Except 12456  
as provided in division (B) of this section, the village 12457  
solicitor, city director of law, or similar chief legal officer of 12458  
the municipal corporation in which a municipal court is located 12459  
shall prosecute all criminal cases brought before the court 12460  
arising in the unincorporated areas within the territory of the 12461  
municipal court. 12462

(B) The Auglaize county, Brown county, Clermont county, 12463  
Hocking county, Holmes county, Jackson county, Morrow county, 12464  
Ottawa county, and Portage county prosecuting attorneys shall 12465

prosecute in municipal court all violations of state law arising 12466  
in their respective counties. The Carroll county, Crawford county, 12467  
Hamilton county, Madison county, and Wayne county prosecuting 12468  
attorneys and beginning January 1, 2008, the Erie county 12469  
prosecuting attorney shall prosecute all violations of state law 12470  
arising within the unincorporated areas of their respective 12471  
counties. The Columbiana county prosecuting attorney shall 12472  
prosecute in the Columbiana county municipal court all violations 12473  
of state law arising in the county, except for violations arising 12474  
in the municipal corporation of East Liverpool, Liverpool 12475  
township, or St. Clair township. The Darke county prosecuting 12476  
attorney shall prosecute in the Darke county municipal court all 12477  
violations of state law arising in the county, except for 12478  
violations of state law arising in the municipal corporation of 12479  
Greenville and violations of state law arising in the village of 12480  
Versailles. The Greene county ~~prosecuting attorney may, with the~~ 12481  
~~concurrence of the Greene county~~ board of county commissioners, 12482  
~~prosecute in the Fairborn municipal court~~ may provide for the 12483  
prosecution of all violations of state law arising within the 12484  
~~unincorporated areas of Bath and Beavercreek townships in Greene~~ 12485  
~~county and prosecute in the Xenia municipal court all violations~~ 12486  
~~of state law arising within the unincorporated areas of~~ 12487  
~~Ceasarcreek, Cedarville, Jefferson, Miami, New Jasper, Ross,~~ 12488  
~~Silvercreek, Spring Valley, Sugarcreek, and Xenia townships~~ 12489  
territorial jurisdiction of any municipal court located in Greene 12490  
county. 12491

The prosecuting attorney of any county given the duty of 12492  
prosecuting in municipal court violations of state law shall 12493  
receive no additional compensation for assuming these additional 12494  
duties, except that the prosecuting attorney of Hamilton, Portage, 12495  
and Wayne counties shall receive compensation at the rate of four 12496  
thousand eight hundred dollars per year, and the prosecuting 12497  
attorney of Auglaize county shall receive compensation at the rate 12498

of one thousand eight hundred dollars per year, each payable from 12499  
the county treasury of the respective counties in semimonthly 12500  
installments. 12501

(C) The village solicitor, city director of law, or similar 12502  
chief legal officer shall perform the same duties, insofar as they 12503  
are applicable to the village solicitor, city director of law, or 12504  
similar chief legal officer, as are required of the prosecuting 12505  
attorney of the county. The village solicitor, city director of 12506  
law, similar chief legal officer or any assistants who may be 12507  
appointed shall receive for such services additional compensation 12508  
to be paid from the treasury of the county as the board of county 12509  
commissioners prescribes. 12510

(D) The (1) Subject to division (D)(2) of this section, the 12511  
prosecuting attorney of any county, other than Auglaize, Brown, 12512  
Clermont, Hocking, Holmes, Jackson, Morrow, Ottawa, or Portage 12513  
county, may enter into an agreement with any municipal corporation 12514  
in the county in which the prosecuting attorney serves pursuant to 12515  
which the prosecuting attorney prosecutes all criminal cases 12516  
brought before the municipal court that has territorial 12517  
jurisdiction over that municipal corporation for criminal offenses 12518  
occurring within the municipal corporation. The prosecuting 12519  
attorney of Auglaize, Brown, Clermont, Hocking, Holmes, Jackson, 12520  
Morrow, Ottawa, or Portage county may enter into an agreement with 12521  
any municipal corporation in the county in which the prosecuting 12522  
attorney serves pursuant to which the respective prosecuting 12523  
attorney prosecutes all cases brought before the Auglaize county, 12524  
Brown county, Clermont county, Hocking county, Holmes county, 12525  
Jackson county, Morrow county, Ottawa county, or Portage county 12526  
municipal court for violations of the ordinances of the municipal 12527  
corporation or for criminal offenses other than violations of 12528  
state law occurring within the municipal corporation. For 12529  
prosecuting these cases, the prosecuting attorney and the 12530



municipal corporation may agree upon a fee to be paid by the 12531  
municipal corporation, which fee shall be paid into the county 12532  
treasury, to be used to cover expenses of the office of the 12533  
prosecuting attorney. 12534

(2) Any agreement entered into by the Greene county 12535  
prosecuting attorney under division (D)(1) of this section is 12536  
subject to the authority under division (B) of this section of the 12537  
Greene county board of county commissioners to provide for the 12538  
prosecution of violations of state law in municipal courts located 12539  
in Greene county. 12540

**Sec. 2151.362.** (A)(1) In the manner prescribed by division 12541  
(C)(1) or (2) of section 3313.64 of the Revised Code, as 12542  
applicable, the court, at the time of making any order that 12543  
removes a child from the child's own home or that vests legal or 12544  
permanent custody of the child in a person other than the child's 12545  
parent or a government agency, shall determine the school district 12546  
that is to bear the cost of educating the child. The court shall 12547  
make the determination a part of the order that provides for the 12548  
child's placement or commitment. That school district shall bear 12549  
the cost of educating the child unless and until the ~~court~~ 12550  
~~modifies its order~~ department of education determines that a 12551  
different district shall be responsible for bearing that cost 12552  
pursuant to division (A)(2) of this section. The court's order 12553  
shall state that the determination of which school district is 12554  
responsible to bear the cost of educating the child is subject to 12555  
re-determination by the department pursuant to that division. 12556

(2) If, while the child is in the custody of a person other 12557  
than the child's parent or a government agency, the department of 12558  
education ~~notifies the court~~ determines that the place of 12559  
residence of the child's parent has changed since the court issued 12560  
its initial order, the ~~court~~ department may ~~modify its order to~~ 12561

name a different school district to bear the cost of educating the 12562  
child. The department ~~may submit the notice to the court upon~~ 12563  
~~receipt, shall make this new determination, and any future~~ 12564  
~~determinations, based on evidence received~~ from the school 12565  
district ~~initially ordered~~ currently responsible to bear the cost 12566  
of educating the child, ~~of evidence acceptable to the department.~~ 12567  
If the department finds that the evidence demonstrates to its 12568  
satisfaction that the residence of the child's parent has changed 12569  
since the court issued its initial order. ~~In the notice to the~~ 12570  
~~court, the department shall recommend to the court whether a~~ 12571  
~~different district should be ordered to bear the cost of educating~~ 12572  
~~the child and, if so, which district should be so ordered. The~~ 12573  
under division (A)(1) of this section, or since the department 12574  
last made a determination under division (A)(2) of this section, 12575  
the department shall ~~recommend to the court~~ name the district in 12576  
which the child's parent currently resides or, if the parent's 12577  
residence is not known, the district in which the parent's last 12578  
known residence is located. If the department cannot determine any 12579  
Ohio district in which the parent currently resides or has 12580  
resided, the school district designated in the initial court order 12581  
under division (A)(1) of this section, or in the most recent 12582  
determination made by the department under division (A)(2) of this 12583  
section, shall continue to bear the cost of educating the child. 12584

~~The court may consider the content of a notice by the~~ 12585  
~~department of education under division (A)(2) of this section as~~ 12586  
~~conclusive evidence as to which school district should bear the~~ 12587  
~~cost of educating the child and may amend its order accordingly.~~ 12588

(B) Whenever a child is placed in a detention facility 12589  
established under section 2152.41 of the Revised Code or a 12590  
juvenile facility established under section 2151.65 of the Revised 12591  
Code, the child's school district as determined by the court or 12592  
the department, in the same manner as prescribed in division (A) 12593

of this section, shall pay the cost of educating the child based 12594  
on the per capita cost of the educational facility within the 12595  
detention home or juvenile facility. 12596

(C) Whenever a child is placed by the court in a private 12597  
institution, school, or residential treatment center or any other 12598  
private facility, the state shall pay to the court a subsidy to 12599  
help defray the expense of educating the child in an amount equal 12600  
to the product of the daily per capita educational cost of the 12601  
private facility, as determined pursuant to this section, and the 12602  
number of days the child resides at the private facility, provided 12603  
that the subsidy shall not exceed twenty-five hundred dollars per 12604  
year per child. The daily per capita educational cost of a private 12605  
facility shall be determined by dividing the actual program cost 12606  
of the private facility or twenty-five hundred dollars, whichever 12607  
is less, by three hundred sixty-five days or by three hundred 12608  
sixty-six days for years that include February twenty-ninth. The 12609  
state shall pay seventy-five per cent of the total subsidy for 12610  
each year quarterly to the court. The state may adjust the 12611  
remaining twenty-five per cent of the total subsidy to be paid to 12612  
the court for each year to an amount that is less than twenty-five 12613  
per cent of the total subsidy for that year based upon the 12614  
availability of funds appropriated to the department of education 12615  
for the purpose of subsidizing courts that place a child in a 12616  
private institution, school, or residential treatment center or 12617  
any other private facility and shall pay that adjusted amount to 12618  
the court at the end of the year. 12619

**Sec. 2913.40.** (A) As used in this section: 12620

(1) "Statement or representation" means any oral, written, 12621  
electronic, electronic impulse, or magnetic communication that is 12622  
used to identify an item of goods or a service for which 12623  
reimbursement may be made under the medical assistance program or 12624

that states income and expense and is or may be used to determine 12625  
a rate of reimbursement under the medical assistance program. 12626

(2) "Medical assistance program" means the program 12627  
established by the department of job and family services to 12628  
provide medical assistance under section 5111.01 of the Revised 12629  
Code and the medicaid program of Title XIX of the "Social Security 12630  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 12631

(3) "Provider" means any person who has signed a provider 12632  
agreement with the department of job and family services to 12633  
provide goods or services pursuant to the medical assistance 12634  
program or any person who has signed an agreement with a party to 12635  
such a provider agreement under which the person agrees to provide 12636  
goods or services that are reimbursable under the medical 12637  
assistance program. 12638

(4) "Provider agreement" means an oral or written agreement 12639  
between the department of job and family services and a person in 12640  
which the person agrees to provide goods or services under the 12641  
medical assistance program. 12642

(5) "Recipient" means any individual who receives goods or 12643  
services from a provider under the medical assistance program. 12644

(6) "Records" means any medical, professional, financial, or 12645  
business records relating to the treatment or care of any 12646  
recipient, to goods or services provided to any recipient, or to 12647  
rates paid for goods or services provided to any recipient and any 12648  
records that are required by the rules of the director of job and 12649  
family services to be kept for the medical assistance program. 12650

(B) No person shall knowingly make or cause to be made a 12651  
false or misleading statement or representation for use in 12652  
obtaining reimbursement from the medical assistance program. 12653

(C) No person, with purpose to commit fraud or knowing that 12654  
the person is facilitating a fraud, shall do either of the 12655

following: 12656

(1) Contrary to the terms of the person's provider agreement, 12657  
charge, solicit, accept, or receive for goods or services that the 12658  
person provides under the medical assistance program any property, 12659  
money, or other consideration in addition to the amount of 12660  
reimbursement under the medical assistance program and the 12661  
person's provider agreement for the goods or services and any 12662  
~~deductibles or co-payments~~ cost-sharing expenses authorized by 12663  
section 5111.0112 of the Revised Code or rules adopted pursuant to 12664  
section 5111.01, 5111.011, or 5111.02 of the Revised Code. 12665

(2) Solicit, offer, or receive any remuneration, other than 12666  
any ~~deductibles or co-payments~~ cost-sharing expenses authorized by 12667  
section 5111.0112 of the Revised Code or rules adopted under 12668  
section 5111.01, 5111.011, or 5111.02 of the Revised Code, in cash 12669  
or in kind, including, but not limited to, a kickback or rebate, 12670  
in connection with the furnishing of goods or services for which 12671  
whole or partial reimbursement is or may be made under the medical 12672  
assistance program. 12673

(D) No person, having submitted a claim for or provided goods 12674  
or services under the medical assistance program, shall do either 12675  
of the following for a period of at least six years after a 12676  
reimbursement pursuant to that claim, or a reimbursement for those 12677  
goods or services, is received under the medical assistance 12678  
program: 12679

(1) Knowingly alter, falsify, destroy, conceal, or remove any 12680  
records that are necessary to fully disclose the nature of all 12681  
goods or services for which the claim was submitted, or for which 12682  
reimbursement was received, by the person; 12683

(2) Knowingly alter, falsify, destroy, conceal, or remove any 12684  
records that are necessary to disclose fully all income and 12685  
expenditures upon which rates of reimbursements were based for the 12686

person. 12687

(E) Whoever violates this section is guilty of medicaid 12688  
fraud. Except as otherwise provided in this division, medicaid 12689  
fraud is a misdemeanor of the first degree. If the value of 12690  
property, services, or funds obtained in violation of this section 12691  
is five hundred dollars or more and is less than five thousand 12692  
dollars, medicaid fraud is a felony of the fifth degree. If the 12693  
value of property, services, or funds obtained in violation of 12694  
this section is five thousand dollars or more and is less than one 12695  
hundred thousand dollars, medicaid fraud is a felony of the fourth 12696  
degree. If the value of the property, services, or funds obtained 12697  
in violation of this section is one hundred thousand dollars or 12698  
more, medicaid fraud is a felony of the third degree. 12699

(F) Upon application of the governmental agency, office, or 12700  
other entity that conducted the investigation and prosecution in a 12701  
case under this section, the court shall order any person who is 12702  
convicted of a violation of this section for receiving any 12703  
reimbursement for furnishing goods or services under the medical 12704  
assistance program to which the person is not entitled to pay to 12705  
the applicant its cost of investigating and prosecuting the case. 12706  
The costs of investigation and prosecution that a defendant is 12707  
ordered to pay pursuant to this division shall be in addition to 12708  
any other penalties for the receipt of that reimbursement that are 12709  
provided in this section, section 5111.03 of the Revised Code, or 12710  
any other provision of law. 12711

(G) The provisions of this section are not intended to be 12712  
exclusive remedies and do not preclude the use of any other 12713  
criminal or civil remedy for any act that is in violation of this 12714  
section. 12715

**Sec. 2921.42.** (A) No public official shall knowingly do any 12716  
of the following: 12717

(1) Authorize, or employ the authority or influence of ~~his~~ 12718  
the public official's office to secure authorization of any public 12719  
contract in which ~~he~~ the public official, a member of ~~his~~ the 12720  
public official's family, or any of ~~his~~ the public official's 12721  
business associates has an interest; 12722

(2) Authorize, or employ the authority or influence of ~~his~~ 12723  
the public official's office to secure the investment of public 12724  
funds in any share, bond, mortgage, or other security, with 12725  
respect to which ~~he~~ the public official, a member of ~~his~~ the 12726  
public official's family, or any of ~~his~~ the public official's 12727  
business associates either has an interest, is an underwriter, or 12728  
receives any brokerage, origination, or servicing fees; 12729

(3) During ~~his~~ the public official's term of office or within 12730  
one year thereafter, occupy any position of profit in the 12731  
prosecution of a public contract authorized by ~~him~~ the public 12732  
official or by a legislative body, commission, or board of which 12733  
~~he~~ the public official was a member at the time of authorization, 12734  
unless the contract was let by competitive bidding to the lowest 12735  
and best bidder; 12736

(4) Have an interest in the profits or benefits of a public 12737  
contract entered into by or for the use of the political 12738  
subdivision or governmental agency or instrumentality with which 12739  
~~he~~ the public official is connected; 12740

(5) Have an interest in the profits or benefits of a public 12741  
contract that is not let by competitive bidding if required by law 12742  
and that involves more than one hundred fifty dollars. 12743

(B) In the absence of bribery or a purpose to defraud, a 12744  
public official, member of ~~his~~ a public official's family, or any 12745  
of ~~his~~ a public official's business associates shall not be 12746  
considered as having an interest in a public contract or the 12747  
investment of public funds, if all of the following apply: 12748

(1) The interest of that person is limited to owning or 12749  
controlling shares of the corporation, or being a creditor of the 12750  
corporation or other organization, that is the contractor on the 12751  
public contract involved, or that is the issuer of the security in 12752  
which public funds are invested; 12753

(2) The shares owned or controlled by that person do not 12754  
exceed five per cent of the outstanding shares of the corporation, 12755  
and the amount due that person as creditor does not exceed five 12756  
per cent of the total indebtedness of the corporation or other 12757  
organization; 12758

(3) That person, prior to the time the public contract is 12759  
entered into, files with the political subdivision or governmental 12760  
agency or instrumentality involved, an affidavit giving ~~his~~ that 12761  
person's exact status in connection with the corporation or other 12762  
organization. 12763

(C) This section does not apply to a public contract in which 12764  
a public official, member of ~~his~~ a public official's family, or 12765  
one of ~~his~~ a public official's business associates has an 12766  
interest, when all of the following apply: 12767

(1) The subject of the public contract is necessary supplies 12768  
or services for the political subdivision or governmental agency 12769  
or instrumentality involved; 12770

(2) The supplies or services are unobtainable elsewhere for 12771  
the same or lower cost, or are being furnished to the political 12772  
subdivision or governmental agency or instrumentality as part of a 12773  
continuing course of dealing established prior to the public 12774  
official's becoming associated with the political subdivision or 12775  
governmental agency or instrumentality involved; 12776

(3) The treatment accorded the political subdivision or 12777  
governmental agency or instrumentality is either preferential to 12778  
or the same as that accorded other customers or clients in similar 12779



transactions; 12780

(4) The entire transaction is conducted at arm's length, with 12781  
full knowledge by the political subdivision or governmental agency 12782  
or instrumentality involved, of the interest of the public 12783  
official, member of ~~his~~ the public official's family, or business 12784  
associate, and the public official takes no part in the 12785  
deliberations or decision of the political subdivision or 12786  
governmental agency or instrumentality with respect to the public 12787  
contract. 12788

(D) Division (A)(4) of this section does not prohibit 12789  
participation by a public employee in any housing program funded 12790  
by public moneys if the public employee otherwise qualifies for 12791  
the program and does not use the authority or influence of ~~his~~ the 12792  
public employee's office or employment to secure benefits from the 12793  
program and if the moneys are to be used on the primary residence 12794  
of the public employee. Such participation does not constitute an 12795  
unlawful interest in a public contract in violation of this 12796  
section. 12797

(E) Whoever violates this section is guilty of having an 12798  
unlawful interest in a public contract. Violation of division 12799  
(A)(1) or (2) of this section is a felony of the fourth degree. 12800  
Violation of division (A)(3), (4), or (5) of this section is a 12801  
misdemeanor of the first degree. 12802

(F) It is not a violation of this section for a prosecuting 12803  
attorney to appoint assistants and employees in accordance with 12804  
sections 309.06 and 2921.421 of the Revised Code, for a chief 12805  
legal officer of a municipal corporation or an official designated 12806  
as prosecutor in a municipal corporation to appoint assistants and 12807  
employees in accordance with sections 733.621 and 2921.421 of the 12808  
Revised Code, or for a township law director appointed under 12809  
section 504.15 of the Revised Code to appoint assistants and 12810  
employees in accordance with sections 504.151 and 2921.421 of the 12811

Revised Code. 12812

~~(F)~~(G) This section does not apply to a public contract in 12813  
which a township trustee in a township with a population of five 12814  
thousand or less in its unincorporated area, a member of the 12815  
township trustee's family, or one of ~~his~~ the township trustee's 12816  
business associates has an interest, if all of the following 12817  
apply: 12818

(1) The subject of the public contract is necessary supplies 12819  
or services for the township and the amount of the contract is 12820  
less than five thousand dollars per year; 12821

(2) The supplies or services are being furnished to the 12822  
township as part of a continuing course of dealing established 12823  
before the township trustee held that office with the township; 12824

(3) The treatment accorded the township is either 12825  
preferential to or the same as that accorded other customers or 12826  
clients in similar transactions; 12827

(4) The entire transaction is conducted with full knowledge 12828  
by the township of the interest of the township trustee, member of 12829  
~~his~~ the township trustee's family, or ~~his~~ the township trustee's 12830  
business associate. 12831

~~(G)~~(H) Any public contract in which a public official, a 12832  
member of the public official's family, or any of the public 12833  
official's business associates has an interest in violation of 12834  
this section is void and unenforceable. Any contract securing the 12835  
investment of public funds in which a public official, a member of 12836  
the public official's family, or any of the public official's 12837  
business associates has an interest, is an underwriter, or 12838  
receives any brokerage, origination, or servicing fees and that 12839  
was entered into in violation of this section is void and 12840  
unenforceable. 12841

(I) As used in this section: 12842

(1) "Public contract" means any of the following:	12843
(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;	12844 12845 12846 12847 12848 12849
(b) A contract for the design, construction, alteration, repair, or maintenance of any public property.	12850 12851
(2) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.	12852 12853
<b>Sec. 2927.023.</b> (A) As used in this section "authorized recipient of tobacco products" means a person who is:	12854 12855
(1) Licensed as a cigarette wholesale dealer under section 5743.15 of the Revised Code;	12856 12857
(2) Licensed as a <del>distributor of tobacco products under section 5743.61 of the Revised Code</del> <u>retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;</u>	12858 12859 12860 12861
(3) An export warehouse proprietor as defined in section 5702 of the Internal Revenue Code;	12862 12863
(4) An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555;	12864 12865
(5) An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;	12866 12867
(6) A department, agency, instrumentality, or political subdivision of the federal government or of this state;	12868 12869
(7) A person having a consent for consumer shipment issued by the tax commissioner under section 5743.71 of the Revised Code.	12870 12871

The purpose of this section is to prevent the sale of 12872  
cigarettes to minors and to ensure compliance with the Master 12873  
Settlement Agreement, as defined in section 1346.01 of the Revised 12874  
Code. 12875

(B)(1) No person shall cause to be shipped any cigarettes to 12876  
any person in this state other than an authorized recipient of 12877  
tobacco products. 12878

(2) No common carrier, contract carrier, or other person 12879  
shall knowingly transport cigarettes to any person in this state 12880  
that the carrier or other person reasonably believes is not an 12881  
authorized recipient of tobacco products. If cigarettes are 12882  
transported to a home or residence, it shall be presumed that the 12883  
common carrier, contract carrier, or other person knew that the 12884  
person to whom the cigarettes were delivered was not an authorized 12885  
recipient of tobacco products. 12886

(C) No person engaged in the business of selling cigarettes 12887  
who ships or causes to be shipped cigarettes to any person in this 12888  
state in any container or wrapping other than the original 12889  
container or wrapping of the cigarettes shall fail to plainly and 12890  
visibly mark the exterior of the container or wrapping in which 12891  
the cigarettes are shipped with the words "cigarettes." 12892

(D) A court shall impose a fine of up to one thousand dollars 12893  
for each violation of division (B)(1), (B)(2), or (C) of this 12894  
section. 12895

**Sec. 2935.03.** (A)(1) A sheriff, deputy sheriff, marshal, 12896  
deputy marshal, municipal police officer, township constable, 12897  
police officer of a township or joint township police district, 12898  
member of a police force employed by a metropolitan housing 12899  
authority under division (D) of section 3735.31 of the Revised 12900  
Code, member of a police force employed by a regional transit 12901  
authority under division (Y) of section 306.35 of the Revised 12902

Code, state university law enforcement officer appointed under 12903  
section 3345.04 of the Revised Code, veterans' home police officer 12904  
appointed under section 5907.02 of the Revised Code, special 12905  
police officer employed by a port authority under section 4582.04 12906  
or 4582.28 of the Revised Code, or a special police officer 12907  
employed by a municipal corporation at a municipal airport, or 12908  
other municipal air navigation facility, that has scheduled 12909  
operations, as defined in section 119.3 of Title 14 of the Code of 12910  
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 12911  
required to be under a security program and is governed by 12912  
aviation security rules of the transportation security 12913  
administration of the United States department of transportation 12914  
as provided in Parts 1542. and 1544. of Title 49 of the Code of 12915  
Federal Regulations, as amended, shall arrest and detain, until a 12916  
warrant can be obtained, a person found violating, within the 12917  
limits of the political subdivision, metropolitan housing 12918  
authority housing project, regional transit authority facilities 12919  
or areas of a municipal corporation that have been agreed to by a 12920  
regional transit authority and a municipal corporation located 12921  
within its territorial jurisdiction, college, university, 12922  
veterans' home operated under Chapter 5907. of the Revised Code, 12923  
port authority, or municipal airport or other municipal air 12924  
navigation facility, in which the peace officer is appointed, 12925  
employed, or elected, a law of this state, an ordinance of a 12926  
municipal corporation, or a resolution of a township. 12927

(2) A peace officer of the department of natural resources or 12928  
an individual designated to perform law enforcement duties under 12929  
section 511.232, 1545.13, or 6101.75 of the Revised Code shall 12930  
arrest and detain, until a warrant can be obtained, a person found 12931  
violating, within the limits of the peace officer's or 12932  
individual's territorial jurisdiction, a law of this state. 12933

(3) The house sergeant at arms if the house sergeant at arms 12934

has arrest authority pursuant to division (E)(1) of section 12935  
101.311 of the Revised Code and an assistant house sergeant at 12936  
arms shall arrest and detain, until a warrant can be obtained, a 12937  
person found violating, within the limits of the sergeant at 12938  
arms's or assistant sergeant at arms's territorial jurisdiction 12939  
specified in division (D)(1)(a) of section 101.311 of the Revised 12940  
Code or while providing security pursuant to division (D)(1)(f) of 12941  
section 101.311 of the Revised Code, a law of this state, an 12942  
ordinance of a municipal corporation, or a resolution of a 12943  
township. 12944

(B)(1) When there is reasonable ground to believe that an 12945  
offense of violence, the offense of criminal child enticement as 12946  
defined in section 2905.05 of the Revised Code, the offense of 12947  
public indecency as defined in section 2907.09 of the Revised 12948  
Code, the offense of domestic violence as defined in section 12949  
2919.25 of the Revised Code, the offense of violating a protection 12950  
order as defined in section 2919.27 of the Revised Code, the 12951  
offense of menacing by stalking as defined in section 2903.211 of 12952  
the Revised Code, the offense of aggravated trespass as defined in 12953  
section 2911.211 of the Revised Code, a theft offense as defined 12954  
in section 2913.01 of the Revised Code, or a felony drug abuse 12955  
offense as defined in section 2925.01 of the Revised Code, has 12956  
been committed within the limits of the political subdivision, 12957  
metropolitan housing authority housing project, regional transit 12958  
authority facilities or those areas of a municipal corporation 12959  
that have been agreed to by a regional transit authority and a 12960  
municipal corporation located within its territorial jurisdiction, 12961  
college, university, veterans' home operated under Chapter 5907. 12962  
of the Revised Code, port authority, or municipal airport or other 12963  
municipal air navigation facility, in which the peace officer is 12964  
appointed, employed, or elected or within the limits of the 12965  
territorial jurisdiction of the peace officer, a peace officer 12966  
described in division (A) of this section may arrest and detain 12967

until a warrant can be obtained any person who the peace officer 12968  
has reasonable cause to believe is guilty of the violation. 12969

(2) For purposes of division (B)(1) of this section, the 12970  
execution of any of the following constitutes reasonable ground to 12971  
believe that the offense alleged in the statement was committed 12972  
and reasonable cause to believe that the person alleged in the 12973  
statement to have committed the offense is guilty of the 12974  
violation: 12975

(a) A written statement by a person alleging that an alleged 12976  
offender has committed the offense of menacing by stalking or 12977  
aggravated trespass; 12978

(b) A written statement by the administrator of the 12979  
interstate compact on mental health appointed under section 12980  
5119.51 of the Revised Code alleging that a person who had been 12981  
hospitalized, institutionalized, or confined in any facility under 12982  
an order made pursuant to or under authority of section 2945.37, 12983  
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 12984  
Revised Code has escaped from the facility, from confinement in a 12985  
vehicle for transportation to or from the facility, or from 12986  
supervision by an employee of the facility that is incidental to 12987  
hospitalization, institutionalization, or confinement in the 12988  
facility and that occurs outside of the facility, in violation of 12989  
section 2921.34 of the Revised Code; 12990

(c) A written statement by the administrator of any facility 12991  
in which a person has been hospitalized, institutionalized, or 12992  
confined under an order made pursuant to or under authority of 12993  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 12994  
2945.402 of the Revised Code alleging that the person has escaped 12995  
from the facility, from confinement in a vehicle for 12996  
transportation to or from the facility, or from supervision by an 12997  
employee of the facility that is incidental to hospitalization, 12998  
institutionalization, or confinement in the facility and that 12999

occurs outside of the facility, in violation of section 2921.34 of the Revised Code. 13000  
13001

(3)(a) For purposes of division (B)(1) of this section, a peace officer described in division (A) of this section has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that a particular person is guilty of committing the offense if any of the following occurs: 13002  
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(i) A person executes a written statement alleging that the person in question has committed the offense of domestic violence or the offense of violating a protection order against the person who executes the statement or against a child of the person who executes the statement. 13009  
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(ii) No written statement of the type described in division (B)(3)(a)(i) of this section is executed, but the peace officer, based upon the peace officer's own knowledge and observation of the facts and circumstances of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order or based upon any other information, including, but not limited to, any reasonably trustworthy information given to the peace officer by the alleged victim of the alleged incident of the offense or any witness of the alleged incident of the offense, concludes that there are reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that the person in question is guilty of committing the offense. 13014  
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(iii) No written statement of the type described in division (B)(3)(a)(i) of this section is executed, but the peace officer witnessed the person in question commit the offense of domestic violence or the offense of violating a protection order. 13028  
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(b) If pursuant to division (B)(3)(a) of this section a peace officer has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that a particular person is guilty of committing the offense, it is the preferred course of action in this state that the officer arrest and detain that person pursuant to division (B)(1) of this section until a warrant can be obtained.

If pursuant to division (B)(3)(a) of this section a peace officer has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that family or household members have committed the offense against each other, it is the preferred course of action in this state that the officer, pursuant to division (B)(1) of this section, arrest and detain until a warrant can be obtained the family or household member who committed the offense and whom the officer has reasonable cause to believe is the primary physical aggressor. There is no preferred course of action in this state regarding any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor, but, pursuant to division (B)(1) of this section, the peace officer may arrest and detain until a warrant can be obtained any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor.

(c) If a peace officer described in division (A) of this section does not arrest and detain a person whom the officer has reasonable cause to believe committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division (B)(3)(b) of this section that the officer arrest that person, the

officer shall articulate in the written report of the incident 13064  
required by section 2935.032 of the Revised Code a clear statement 13065  
of the officer's reasons for not arresting and detaining that 13066  
person until a warrant can be obtained. 13067

(d) In determining for purposes of division (B)(3)(b) of this 13068  
section which family or household member is the primary physical 13069  
aggressor in a situation in which family or household members have 13070  
committed the offense of domestic violence or the offense of 13071  
violating a protection order against each other, a peace officer 13072  
described in division (A) of this section, in addition to any 13073  
other relevant circumstances, should consider all of the 13074  
following: 13075

(i) Any history of domestic violence or of any other violent 13076  
acts by either person involved in the alleged offense that the 13077  
officer reasonably can ascertain; 13078

(ii) If violence is alleged, whether the alleged violence was 13079  
caused by a person acting in self-defense; 13080

(iii) Each person's fear of physical harm, if any, resulting 13081  
from the other person's threatened use of force against any person 13082  
or resulting from the other person's use or history of the use of 13083  
force against any person, and the reasonableness of that fear; 13084

(iv) The comparative severity of any injuries suffered by the 13085  
persons involved in the alleged offense. 13086

(e)(i) A peace officer described in division (A) of this 13087  
section shall not require, as a prerequisite to arresting or 13088  
charging a person who has committed the offense of domestic 13089  
violence or the offense of violating a protection order, that the 13090  
victim of the offense specifically consent to the filing of 13091  
charges against the person who has committed the offense or sign a 13092  
complaint against the person who has committed the offense. 13093

(ii) If a person is arrested for or charged with committing 13094

the offense of domestic violence or the offense of violating a protection order and if the victim of the offense does not cooperate with the involved law enforcement or prosecuting authorities in the prosecution of the offense or, subsequent to the arrest or the filing of the charges, informs the involved law enforcement or prosecuting authorities that the victim does not wish the prosecution of the offense to continue or wishes to drop charges against the alleged offender relative to the offense, the involved prosecuting authorities, in determining whether to continue with the prosecution of the offense or whether to dismiss charges against the alleged offender relative to the offense and notwithstanding the victim's failure to cooperate or the victim's wishes, shall consider all facts and circumstances that are relevant to the offense, including, but not limited to, the statements and observations of the peace officers who responded to the incident that resulted in the arrest or filing of the charges and of all witnesses to that incident.

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

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

(h) If a peace officer described in division (A) of this section responds to a report of an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order and if the circumstances of the incident involved the use or threatened use of a deadly weapon or any person involved in the incident brandished a deadly weapon during or in relation to the incident, the deadly weapon that was used, threatened to be used, or brandished constitutes contraband, and, to the extent possible, the officer shall seize the deadly weapon as contraband pursuant to Chapter 2981. of the Revised Code. Upon the seizure of a deadly weapon pursuant to division (B)(3)(h) of this section, section 2981.12 of the Revised Code shall apply regarding the treatment and disposition of the deadly weapon. For purposes of that section, the "underlying criminal offense" that was the basis of the seizure of a deadly weapon under division (B)(3)(h) of this section and to which the deadly weapon had a relationship is any of the following that is applicable:

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

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

(4) If, in the circumstances described in divisions (B)(3)(a) to (g) of this section, a peace officer described in division (A) of this section arrests and detains a person pursuant to division (B)(1) of this section, or if, pursuant to division (B)(3)(h) of this section, a peace officer described in division (A) of this section seizes a deadly weapon, the officer, to the extent

described in and in accordance with section 9.86 or 2744.03 of the Revised Code, is immune in any civil action for damages for injury, death, or loss to person or property that arises from or is related to the arrest and detention or the seizure.

(C) When there is reasonable ground to believe that a violation of division (A)(1), (2), (3), (4), or (5) of section 4506.15 or a violation of section 4511.19 of the Revised Code has been committed by a person operating a motor vehicle subject to regulation by the public utilities commission of Ohio under Title XLIX of the Revised Code, a peace officer with authority to enforce that provision of law may stop or detain the person whom the officer has reasonable cause to believe was operating the motor vehicle in violation of the division or section and, after investigating the circumstances surrounding the operation of the vehicle, may arrest and detain the person.

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code, special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code, special police officer employed by a municipal corporation at a municipal airport or other municipal air navigation facility described in division (A) of this section, township constable, police officer of a township or joint township police district, state university law enforcement officer appointed under section 3345.04 of the Revised Code, peace officer of the department of natural resources, individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code, the house sergeant at arms if the house sergeant at arms has arrest authority pursuant to division (E)(1) of

section 101.311 of the Revised Code, or an assistant house 13191  
sergeant at arms is authorized by division (A) or (B) of this 13192  
section to arrest and detain, within the limits of the political 13193  
subdivision, metropolitan housing authority housing project, 13194  
regional transit authority facilities or those areas of a 13195  
municipal corporation that have been agreed to by a regional 13196  
transit authority and a municipal corporation located within its 13197  
territorial jurisdiction, port authority, municipal airport or 13198  
other municipal air navigation facility, college, or university in 13199  
which the officer is appointed, employed, or elected or within the 13200  
limits of the territorial jurisdiction of the peace officer, a 13201  
person until a warrant can be obtained, the peace officer, outside 13202  
the limits of that territory, may pursue, arrest, and detain that 13203  
person until a warrant can be obtained if all of the following 13204  
apply: 13205

(1) The pursuit takes place without unreasonable delay after 13206  
the offense is committed; 13207

(2) The pursuit is initiated within the limits of the 13208  
political subdivision, metropolitan housing authority housing 13209  
project, regional transit authority facilities or those areas of a 13210  
municipal corporation that have been agreed to by a regional 13211  
transit authority and a municipal corporation located within its 13212  
territorial jurisdiction, port authority, municipal airport or 13213  
other municipal air navigation facility, college, or university in 13214  
which the peace officer is appointed, employed, or elected or 13215  
within the limits of the territorial jurisdiction of the peace 13216  
officer; 13217

(3) The offense involved is a felony, a misdemeanor of the 13218  
first degree or a substantially equivalent municipal ordinance, a 13219  
misdemeanor of the second degree or a substantially equivalent 13220  
municipal ordinance, or any offense for which points are 13221  
chargeable pursuant to section 4510.036 of the Revised Code. 13222

(E) In addition to the authority granted under division (A) 13223  
or (B) of this section: 13224

(1) A sheriff or deputy sheriff may arrest and detain, until 13225  
a warrant can be obtained, any person found violating section 13226  
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 13227  
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 13228  
portion of any street or highway that is located immediately 13229  
adjacent to the boundaries of the county in which the sheriff or 13230  
deputy sheriff is elected or appointed. 13231

(2) A member of the police force of a township police 13232  
district created under section 505.48 of the Revised Code, a 13233  
member of the police force of a joint township police district 13234  
created under section 505.481 of the Revised Code, or a township 13235  
constable appointed in accordance with section 509.01 of the 13236  
Revised Code, who has received a certificate from the Ohio peace 13237  
officer training commission under section 109.75 of the Revised 13238  
Code, may arrest and detain, until a warrant can be obtained, any 13239  
person found violating any section or chapter of the Revised Code 13240  
listed in division (E)(1) of this section, other than sections 13241  
4513.33 and 4513.34 of the Revised Code, on the portion of any 13242  
street or highway that is located immediately adjacent to the 13243  
boundaries of the township police district or joint township 13244  
police district, in the case of a member of a township police 13245  
district or joint township police district police force, or the 13246  
unincorporated territory of the township, in the case of a 13247  
township constable. However, if the population of the township 13248  
that created the township police district served by the member's 13249  
police force, or the townships that created the joint township 13250  
police district served by the member's police force, or the 13251  
township that is served by the township constable, is sixty 13252  
thousand or less, the member of the township police district or 13253  
joint police district police force or the township constable may 13254

not make an arrest under division (E)(2) of this section on a state highway that is included as part of the interstate system.

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

(4) A peace officer of the department of natural resources or an individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the lands and waters that constitute the territorial jurisdiction of the peace officer.

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

A department of mental health special police officer or a department of mental retardation and developmental disabilities special police officer may arrest without a warrant and detain until a warrant can be obtained any person who has been hospitalized, institutionalized, or confined in an institution



under the jurisdiction of the particular department pursuant to or 13287  
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 13288  
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 13289  
found committing on the premises of any institution under the 13290  
jurisdiction of the particular department a violation of section 13291  
2921.34 of the Revised Code that involves an escape from the 13292  
premises of the institution. 13293

(2)(a) If a department of mental health special police 13294  
officer or a department of mental retardation and developmental 13295  
disabilities special police officer finds any person who has been 13296  
hospitalized, institutionalized, or confined in an institution 13297  
under the jurisdiction of the particular department pursuant to or 13298  
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 13299  
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 13300  
violation of section 2921.34 of the Revised Code that involves an 13301  
escape from the premises of the institution, or if there is 13302  
reasonable ground to believe that a violation of section 2921.34 13303  
of the Revised Code has been committed that involves an escape 13304  
from the premises of an institution under the jurisdiction of the 13305  
department of mental health or the department of mental 13306  
retardation and developmental disabilities and if a department of 13307  
mental health special police officer or a department of mental 13308  
retardation and developmental disabilities special police officer 13309  
has reasonable cause to believe that a particular person who has 13310  
been hospitalized, institutionalized, or confined in the 13311  
institution pursuant to or under authority of section 2945.37, 13312  
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 13313  
Revised Code is guilty of the violation, the special police 13314  
officer, outside of the premises of the institution, may pursue, 13315  
arrest, and detain that person for that violation of section 13316  
2921.34 of the Revised Code, until a warrant can be obtained, if 13317  
both of the following apply: 13318

(i) The pursuit takes place without unreasonable delay after the offense is committed; 13319  
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(ii) The pursuit is initiated within the premises of the institution from which the violation of section 2921.34 of the Revised Code occurred. 13321  
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(b) For purposes of division (F)(2)(a) of this section, the execution of a written statement by the administrator of the institution in which a person had been hospitalized, institutionalized, or confined pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code alleging that the person has escaped from the premises of the institution in violation of section 2921.34 of the Revised Code constitutes reasonable ground to believe that the violation was committed and reasonable cause to believe that the person alleged in the statement to have committed the offense is guilty of the violation. 13324  
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(G) As used in this section: 13335

(1) A "department of mental health special police officer" means a special police officer of the department of mental health designated under section 5119.14 of the Revised Code who is certified by the Ohio peace officer training commission under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program. 13336  
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(2) A "department of mental retardation and developmental disabilities special police officer" means a special police officer of the department of mental retardation and developmental disabilities designated under section 5123.13 of the Revised Code who is certified by the Ohio peace officer training council under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program. 13342  
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(3) "Deadly weapon" has the same meaning as in section 13349

2923.11 of the Revised Code.	13350
(4) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.	13351 13352
(5) "Street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.	13353 13354
(6) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code.	13355 13356
(7) "Peace officer of the department of natural resources" means an employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013 of the Revised Code, a forest officer designated pursuant to section 1503.29 of the Revised Code, a preserve officer designated pursuant to section 1517.10 of the Revised Code, a wildlife officer designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, or a state watercraft officer designated pursuant to section 1547.521 of the Revised Code.	13357 13358 13359 13360 13361 13362 13363 13364 13365 13366
<u>(8) "Portion of any street or highway" means all lanes of the street or highway irrespective of direction of travel, including designated turn lanes, and any berm, median, or shoulder.</u>	13367 13368 13369
<b>Sec. 3109.04.</b> (A) In any divorce, legal separation, or annulment proceeding and in any proceeding pertaining to the allocation of parental rights and responsibilities for the care of a child, upon hearing the testimony of either or both parents and considering any mediation report filed pursuant to section 3109.052 of the Revised Code and in accordance with sections 3127.01 to 3127.53 of the Revised Code, the court shall allocate the parental rights and responsibilities for the care of the minor children of the marriage. Subject to division (D)(2) of this section, the court may allocate the parental rights and	13370 13371 13372 13373 13374 13375 13376 13377 13378 13379

responsibilities for the care of the children in either of the 13380  
following ways: 13381

(1) If neither parent files a pleading or motion in 13382  
accordance with division (G) of this section, if at least one 13383  
parent files a pleading or motion under that division but no 13384  
parent who filed a pleading or motion under that division also 13385  
files a plan for shared parenting, or if at least one parent files 13386  
both a pleading or motion and a shared parenting plan under that 13387  
division but no plan for shared parenting is in the best interest 13388  
of the children, the court, in a manner consistent with the best 13389  
interest of the children, shall allocate the parental rights and 13390  
responsibilities for the care of the children primarily to one of 13391  
the parents, designate that parent as the residential parent and 13392  
the legal custodian of the child, and divide between the parents 13393  
the other rights and responsibilities for the care of the 13394  
children, including, but not limited to, the responsibility to 13395  
provide support for the children and the right of the parent who 13396  
is not the residential parent to have continuing contact with the 13397  
children. 13398

(2) If at least one parent files a pleading or motion in 13399  
accordance with division (G) of this section and a plan for shared 13400  
parenting pursuant to that division and if a plan for shared 13401  
parenting is in the best interest of the children and is approved 13402  
by the court in accordance with division (D)(1) of this section, 13403  
the court may allocate the parental rights and responsibilities 13404  
for the care of the children to both parents and issue a shared 13405  
parenting order requiring the parents to share all or some of the 13406  
aspects of the physical and legal care of the children in 13407  
accordance with the approved plan for shared parenting. If the 13408  
court issues a shared parenting order under this division and it 13409  
is necessary for the purpose of receiving public assistance, the 13410  
court shall designate which one of the parents' residences is to 13411

serve as the child's home. The child support obligations of the 13412  
parents under a shared parenting order issued under this division 13413  
shall be determined in accordance with Chapters 3119., 3121., 13414  
3123., and 3125. of the Revised Code. 13415

(B)(1) When making the allocation of the parental rights and 13416  
responsibilities for the care of the children under this section 13417  
in an original proceeding or in any proceeding for modification of 13418  
a prior order of the court making the allocation, the court shall 13419  
take into account that which would be in the best interest of the 13420  
children. In determining the child's best interest for purposes of 13421  
making its allocation of the parental rights and responsibilities 13422  
for the care of the child and for purposes of resolving any issues 13423  
related to the making of that allocation, the court, in its 13424  
discretion, may and, upon the request of either party, shall 13425  
interview in chambers any or all of the involved children 13426  
regarding their wishes and concerns with respect to the 13427  
allocation. 13428

(2) If the court interviews any child pursuant to division 13429  
(B)(1) of this section, all of the following apply: 13430

(a) The court, in its discretion, may and, upon the motion of 13431  
either parent, shall appoint a guardian ad litem for the child. 13432

(b) The court first shall determine the reasoning ability of 13433  
the child. If the court determines that the child does not have 13434  
sufficient reasoning ability to express the child's wishes and 13435  
concern with respect to the allocation of parental rights and 13436  
responsibilities for the care of the child, it shall not determine 13437  
the child's wishes and concerns with respect to the allocation. If 13438  
the court determines that the child has sufficient reasoning 13439  
ability to express the child's wishes or concerns with respect to 13440  
the allocation, it then shall determine whether, because of 13441  
special circumstances, it would not be in the best interest of the 13442  
child to determine the child's wishes and concerns with respect to 13443

the allocation. If the court determines that, because of special 13444  
circumstances, it would not be in the best interest of the child 13445  
to determine the child's wishes and concerns with respect to the 13446  
allocation, it shall not determine the child's wishes and concerns 13447  
with respect to the allocation and shall enter its written 13448  
findings of fact and opinion in the journal. If the court 13449  
determines that it would be in the best interests of the child to 13450  
determine the child's wishes and concerns with respect to the 13451  
allocation, it shall proceed to make that determination. 13452

(c) The interview shall be conducted in chambers, and no 13453  
person other than the child, the child's attorney, the judge, any 13454  
necessary court personnel, and, in the judge's discretion, the 13455  
attorney of each parent shall be permitted to be present in the 13456  
chambers during the interview. 13457

(3) No person shall obtain or attempt to obtain from a child 13458  
a written or recorded statement or affidavit setting forth the 13459  
child's wishes and concerns regarding the allocation of parental 13460  
rights and responsibilities concerning the child. No court, in 13461  
determining the child's best interest for purposes of making its 13462  
allocation of the parental rights and responsibilities for the 13463  
care of the child or for purposes of resolving any issues related 13464  
to the making of that allocation, shall accept or consider a 13465  
written or recorded statement or affidavit that purports to set 13466  
forth the child's wishes and concerns regarding those matters. 13467

(C) Prior to trial, the court may cause an investigation to 13468  
be made as to the character, family relations, past conduct, 13469  
earning ability, and financial worth of each parent and may order 13470  
the parents and their minor children to submit to medical, 13471  
psychological, and psychiatric examinations. The report of the 13472  
investigation and examinations shall be made available to either 13473  
parent or the parent's counsel of record not less than five days 13474  
before trial, upon written request. The report shall be signed by 13475

the investigator, and the investigator shall be subject to 13476  
cross-examination by either parent concerning the contents of the 13477  
report. The court may tax as costs all or any part of the expenses 13478  
for each investigation. 13479

If the court determines that either parent previously has 13480  
been convicted of or pleaded guilty to any criminal offense 13481  
involving any act that resulted in a child being a neglected 13482  
child, that either parent previously has been determined to be the 13483  
perpetrator of the neglectful act that is the basis of an 13484  
adjudication that a child is a neglected child, or that there is 13485  
reason to believe that either parent has acted in a manner 13486  
resulting in a child being a neglected child, the court shall 13487  
consider that fact against naming that parent the residential 13488  
parent and against granting a shared parenting decree. When the 13489  
court allocates parental rights and responsibilities for the care 13490  
of children or determines whether to grant shared parenting in any 13491  
proceeding, it shall consider whether either parent or any member 13492  
of the household of either parent has been convicted of or pleaded 13493  
guilty to a violation of section 2919.25 of the Revised Code or a 13494  
sexually oriented offense involving a victim who at the time of 13495  
the commission of the offense was a member of the family or 13496  
household that is the subject of the proceeding, has been 13497  
convicted of or pleaded guilty to any sexually oriented offense or 13498  
other offense involving a victim who at the time of the commission 13499  
of the offense was a member of the family or household that is the 13500  
subject of the proceeding and caused physical harm to the victim 13501  
in the commission of the offense, or has been determined to be the 13502  
perpetrator of the abusive act that is the basis of an 13503  
adjudication that a child is an abused child. If the court 13504  
determines that either parent has been convicted of or pleaded 13505  
guilty to a violation of section 2919.25 of the Revised Code or a 13506  
sexually oriented offense involving a victim who at the time of 13507  
the commission of the offense was a member of the family or 13508

household that is the subject of the proceeding, has been 13509  
convicted of or pleaded guilty to any sexually oriented offense or 13510  
other offense involving a victim who at the time of the commission 13511  
of the offense was a member of the family or household that is the 13512  
subject of the proceeding and caused physical harm to the victim 13513  
in the commission of the offense, or has been determined to be the 13514  
perpetrator of the abusive act that is the basis of an 13515  
adjudication that a child is an abused child, it may designate 13516  
that parent as the residential parent and may issue a shared 13517  
parenting decree or order only if it determines that it is in the 13518  
best interest of the child to name that parent the residential 13519  
parent or to issue a shared parenting decree or order and it makes 13520  
specific written findings of fact to support its determination. 13521

(D)(1)(a) Upon the filing of a pleading or motion by either 13522  
parent or both parents, in accordance with division (G) of this 13523  
section, requesting shared parenting and the filing of a shared 13524  
parenting plan in accordance with that division, the court shall 13525  
comply with division (D)(1)(a)(i), (ii), or (iii) of this section, 13526  
whichever is applicable: 13527

(i) If both parents jointly make the request in their 13528  
pleadings or jointly file the motion and also jointly file the 13529  
plan, the court shall review the parents' plan to determine if it 13530  
is in the best interest of the children. If the court determines 13531  
that the plan is in the best interest of the children, the court 13532  
shall approve it. If the court determines that the plan or any 13533  
part of the plan is not in the best interest of the children, the 13534  
court shall require the parents to make appropriate changes to the 13535  
plan to meet the court's objections to it. If changes to the plan 13536  
are made to meet the court's objections, and if the new plan is in 13537  
the best interest of the children, the court shall approve the 13538  
plan. If changes to the plan are not made to meet the court's 13539  
objections, or if the parents attempt to make changes to the plan 13540



to meet the court's objections, but the court determines that the 13541  
new plan or any part of the new plan still is not in the best 13542  
interest of the children, the court may reject the portion of the 13543  
parents' pleadings or deny their motion requesting shared 13544  
parenting of the children and proceed as if the request in the 13545  
pleadings or the motion had not been made. The court shall not 13546  
approve a plan under this division unless it determines that the 13547  
plan is in the best interest of the children. 13548

(ii) If each parent makes a request in the parent's pleadings 13549  
or files a motion and each also files a separate plan, the court 13550  
shall review each plan filed to determine if either is in the best 13551  
interest of the children. If the court determines that one of the 13552  
filed plans is in the best interest of the children, the court may 13553  
approve the plan. If the court determines that neither filed plan 13554  
is in the best interest of the children, the court may order each 13555  
parent to submit appropriate changes to the parent's plan or both 13556  
of the filed plans to meet the court's objections, or may select 13557  
one of the filed plans and order each parent to submit appropriate 13558  
changes to the selected plan to meet the court's objections. If 13559  
changes to the plan or plans are submitted to meet the court's 13560  
objections, and if any of the filed plans with the changes is in 13561  
the best interest of the children, the court may approve the plan 13562  
with the changes. If changes to the plan or plans are not 13563  
submitted to meet the court's objections, or if the parents submit 13564  
changes to the plan or plans to meet the court's objections but 13565  
the court determines that none of the filed plans with the 13566  
submitted changes is in the best interest of the children, the 13567  
court may reject the portion of the parents' pleadings or deny 13568  
their motions requesting shared parenting of the children and 13569  
proceed as if the requests in the pleadings or the motions had not 13570  
been made. If the court approves a plan under this division, 13571  
either as originally filed or with submitted changes, or if the 13572  
court rejects the portion of the parents' pleadings or denies 13573

their motions requesting shared parenting under this division and 13574  
proceeds as if the requests in the pleadings or the motions had 13575  
not been made, the court shall enter in the record of the case 13576  
findings of fact and conclusions of law as to the reasons for the 13577  
approval or the rejection or denial. Division (D)(1)(b) of this 13578  
section applies in relation to the approval or disapproval of a 13579  
plan under this division. 13580

(iii) If each parent makes a request in the parent's 13581  
pleadings or files a motion but only one parent files a plan, or 13582  
if only one parent makes a request in the parent's pleadings or 13583  
files a motion and also files a plan, the court in the best 13584  
interest of the children may order the other parent to file a plan 13585  
for shared parenting in accordance with division (G) of this 13586  
section. The court shall review each plan filed to determine if 13587  
any plan is in the best interest of the children. If the court 13588  
determines that one of the filed plans is in the best interest of 13589  
the children, the court may approve the plan. If the court 13590  
determines that no filed plan is in the best interest of the 13591  
children, the court may order each parent to submit appropriate 13592  
changes to the parent's plan or both of the filed plans to meet 13593  
the court's objections or may select one filed plan and order each 13594  
parent to submit appropriate changes to the selected plan to meet 13595  
the court's objections. If changes to the plan or plans are 13596  
submitted to meet the court's objections, and if any of the filed 13597  
plans with the changes is in the best interest of the children, 13598  
the court may approve the plan with the changes. If changes to the 13599  
plan or plans are not submitted to meet the court's objections, or 13600  
if the parents submit changes to the plan or plans to meet the 13601  
court's objections but the court determines that none of the filed 13602  
plans with the submitted changes is in the best interest of the 13603  
children, the court may reject the portion of the parents' 13604  
pleadings or deny the parents' motion or reject the portion of the 13605  
parents' pleadings or deny their motions requesting shared 13606

parenting of the children and proceed as if the request or 13607  
requests or the motion or motions had not been made. If the court 13608  
approves a plan under this division, either as originally filed or 13609  
with submitted changes, or if the court rejects the portion of the 13610  
pleadings or denies the motion or motions requesting shared 13611  
parenting under this division and proceeds as if the request or 13612  
requests or the motion or motions had not been made, the court 13613  
shall enter in the record of the case findings of fact and 13614  
conclusions of law as to the reasons for the approval or the 13615  
rejection or denial. Division (D)(1)(b) of this section applies in 13616  
relation to the approval or disapproval of a plan under this 13617  
division. 13618

(b) The approval of a plan under division (D)(1)(a)(ii) or 13619  
(iii) of this section is discretionary with the court. The court 13620  
shall not approve more than one plan under either division and 13621  
shall not approve a plan under either division unless it 13622  
determines that the plan is in the best interest of the children. 13623  
If the court, under either division, does not determine that any 13624  
filed plan or any filed plan with submitted changes is in the best 13625  
interest of the children, the court shall not approve any plan. 13626

(c) Whenever possible, the court shall require that a shared 13627  
parenting plan approved under division (D)(1)(a)(i), (ii), or 13628  
(iii) of this section ensure the opportunity for both parents to 13629  
have frequent and continuing contact with the child, unless 13630  
frequent and continuing contact with any parent would not be in 13631  
the best interest of the child. 13632

(d) If a court approves a shared parenting plan under 13633  
division (D)(1)(a)(i), (ii), or (iii) of this section, the 13634  
approved plan shall be incorporated into a final shared parenting 13635  
decree granting the parents the shared parenting of the children. 13636  
Any final shared parenting decree shall be issued at the same time 13637  
as and shall be appended to the final decree of dissolution, 13638

divorce, annulment, or legal separation arising out of the action 13639  
out of which the question of the allocation of parental rights and 13640  
responsibilities for the care of the children arose. 13641

No provisional shared parenting decree shall be issued in 13642  
relation to any shared parenting plan approved under division 13643  
(D)(1)(a)(i), (ii), or (iii) of this section. A final shared 13644  
parenting decree issued under this division has immediate effect 13645  
as a final decree on the date of its issuance, subject to 13646  
modification or termination as authorized by this section. 13647

(2) If the court finds, with respect to any child under 13648  
eighteen years of age, that it is in the best interest of the 13649  
child for neither parent to be designated the residential parent 13650  
and legal custodian of the child, it may commit the child to a 13651  
relative of the child or certify a copy of its findings, together 13652  
with as much of the record and the further information, in 13653  
narrative form or otherwise, that it considers necessary or as the 13654  
juvenile court requests, to the juvenile court for further 13655  
proceedings, and, upon the certification, the juvenile court has 13656  
exclusive jurisdiction. 13657

(E)(1)(a) The court shall not modify a prior decree 13658  
allocating parental rights and responsibilities for the care of 13659  
children unless it finds, based on facts that have arisen since 13660  
the prior decree or that were unknown to the court at the time of 13661  
the prior decree, that a change has occurred in the circumstances 13662  
of the child, the child's residential parent, or either of the 13663  
parents subject to a shared parenting decree, and that the 13664  
modification is necessary to serve the best interest of the child. 13665  
In applying these standards, the court shall retain the 13666  
residential parent designated by the prior decree or the prior 13667  
shared parenting decree, unless a modification is in the best 13668  
interest of the child and one of the following applies: 13669

(i) The residential parent agrees to a change in the 13670

residential parent or both parents under a shared parenting decree 13671  
agree to a change in the designation of residential parent. 13672

(ii) The child, with the consent of the residential parent or 13673  
of both parents under a shared parenting decree, has been 13674  
integrated into the family of the person seeking to become the 13675  
residential parent. 13676

(iii) The harm likely to be caused by a change of environment 13677  
is outweighed by the advantages of the change of environment to 13678  
the child. 13679

(b) One or both of the parents under a prior decree 13680  
allocating parental rights and responsibilities for the care of 13681  
children that is not a shared parenting decree may file a motion 13682  
requesting that the prior decree be modified to give both parents 13683  
shared rights and responsibilities for the care of the children. 13684  
The motion shall include both a request for modification of the 13685  
prior decree and a request for a shared parenting order that 13686  
complies with division (G) of this section. Upon the filing of the 13687  
motion, if the court determines that a modification of the prior 13688  
decree is authorized under division (E)(1)(a) of this section, the 13689  
court may modify the prior decree to grant a shared parenting 13690  
order, provided that the court shall not modify the prior decree 13691  
to grant a shared parenting order unless the court complies with 13692  
divisions (A) and (D)(1) of this section and, in accordance with 13693  
those divisions, approves the submitted shared parenting plan and 13694  
determines that shared parenting would be in the best interest of 13695  
the children. 13696

(2) In addition to a modification authorized under division 13697  
(E)(1) of this section: 13698

(a) Both parents under a shared parenting decree jointly may 13699  
modify the terms of the plan for shared parenting approved by the 13700  
court and incorporated by it into the shared parenting decree. 13701

Modifications under this division may be made at any time. The 13702  
modifications to the plan shall be filed jointly by both parents 13703  
with the court, and the court shall include them in the plan, 13704  
unless they are not in the best interest of the children. If the 13705  
modifications are not in the best interests of the children, the 13706  
court, in its discretion, may reject the modifications or make 13707  
modifications to the proposed modifications or the plan that are 13708  
in the best interest of the children. Modifications jointly 13709  
submitted by both parents under a shared parenting decree shall be 13710  
effective, either as originally filed or as modified by the court, 13711  
upon their inclusion by the court in the plan. Modifications to 13712  
the plan made by the court shall be effective upon their inclusion 13713  
by the court in the plan. 13714

(b) The court may modify the terms of the plan for shared 13715  
parenting approved by the court and incorporated by it into the 13716  
shared parenting decree upon its own motion at any time if the 13717  
court determines that the modifications are in the best interest 13718  
of the children or upon the request of one or both of the parents 13719  
under the decree. Modifications under this division may be made at 13720  
any time. The court shall not make any modification to the plan 13721  
under this division, unless the modification is in the best 13722  
interest of the children. 13723

(c) The court may terminate a prior final shared parenting 13724  
decree that includes a shared parenting plan approved under 13725  
division (D)(1)(a)(i) of this section upon the request of one or 13726  
both of the parents or whenever it determines that shared 13727  
parenting is not in the best interest of the children. The court 13728  
may terminate a prior final shared parenting decree that includes 13729  
a shared parenting plan approved under division (D)(1)(a)(ii) or 13730  
(iii) of this section if it determines, upon its own motion or 13731  
upon the request of one or both parents, that shared parenting is 13732  
not in the best interest of the children. If modification of the 13733

terms of the plan for shared parenting approved by the court and 13734  
incorporated by it into the final shared parenting decree is 13735  
attempted under division (E)(2)(a) of this section and the court 13736  
rejects the modifications, it may terminate the final shared 13737  
parenting decree if it determines that shared parenting is not in 13738  
the best interest of the children. 13739

(d) Upon the termination of a prior final shared parenting 13740  
decree under division (E)(2)(c) of this section, the court shall 13741  
proceed and issue a modified decree for the allocation of parental 13742  
rights and responsibilities for the care of the children under the 13743  
standards applicable under divisions (A), (B), and (C) of this 13744  
section as if no decree for shared parenting had been granted and 13745  
as if no request for shared parenting ever had been made. 13746

(F)(1) In determining the best interest of a child pursuant 13747  
to this section, whether on an original decree allocating parental 13748  
rights and responsibilities for the care of children or a 13749  
modification of a decree allocating those rights and 13750  
responsibilities, the court shall consider all relevant factors, 13751  
including, but not limited to: 13752

(a) The wishes of the child's parents regarding the child's 13753  
care; 13754

(b) If the court has interviewed the child in chambers 13755  
pursuant to division (B) of this section regarding the child's 13756  
wishes and concerns as to the allocation of parental rights and 13757  
responsibilities concerning the child, the wishes and concerns of 13758  
the child, as expressed to the court; 13759

(c) The child's interaction and interrelationship with the 13760  
child's parents, siblings, and any other person who may 13761  
significantly affect the child's best interest; 13762

(d) The child's adjustment to the child's home, school, and 13763  
community; 13764

(e) The mental and physical health of all persons involved in the situation;	13765 13766
(f) The parent more likely to honor and facilitate court-approved parenting time rights or visitation and companionship rights;	13767 13768 13769
(g) Whether either parent has failed to make all child support payments, including all arrearages, that are required of that parent pursuant to a child support order under which that parent is an obligor;	13770 13771 13772 13773
(h) Whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of an adjudication; whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code or a sexually oriented offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding; whether either parent or any member of the household of either parent previously has been convicted of or pleaded guilty to any offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim in the commission of the offense; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child;	13774 13775 13776 13777 13778 13779 13780 13781 13782 13783 13784 13785 13786 13787 13788 13789 13790 13791 13792 13793 13794
(i) Whether the residential parent or one of the parents subject to a shared parenting decree has continuously and	13795 13796



willfully denied the other parent's right to parenting time in accordance with an order of the court; 13797  
13798

(j) Whether either parent has established a residence, or is planning to establish a residence, outside this state. 13799  
13800

(2) In determining whether shared parenting is in the best interest of the children, the court shall consider all relevant factors, including, but not limited to, the factors enumerated in division (F)(1) of this section, the factors enumerated in section 3119.23 of the Revised Code, and all of the following factors: 13801  
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13805

(a) The ability of the parents to cooperate and make decisions jointly, with respect to the children; 13806  
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(b) The ability of each parent to encourage the sharing of love, affection, and contact between the child and the other parent; 13808  
13809  
13810

(c) Any history of, or potential for, child abuse, spouse abuse, other domestic violence, or parental kidnapping by either parent; 13811  
13812  
13813

(d) The geographic proximity of the parents to each other, as the proximity relates to the practical considerations of shared parenting; 13814  
13815  
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(e) The recommendation of the guardian ad litem of the child, if the child has a guardian ad litem. 13817  
13818

(3) When allocating parental rights and responsibilities for the care of children, the court shall not give preference to a parent because of that parent's financial status or condition. 13819  
13820  
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(G) Either parent or both parents of any children may file a pleading or motion with the court requesting the court to grant both parents shared parental rights and responsibilities for the care of the children in a proceeding held pursuant to division (A) of this section. If a pleading or motion requesting shared 13822  
13823  
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parenting is filed, the parent or parents filing the pleading or 13827  
motion also shall file with the court a plan for the exercise of 13828  
shared parenting by both parents. If each parent files a pleading 13829  
or motion requesting shared parenting but only one parent files a 13830  
plan or if only one parent files a pleading or motion requesting 13831  
shared parenting and also files a plan, the other parent as 13832  
ordered by the court shall file with the court a plan for the 13833  
exercise of shared parenting by both parents. The plan for shared 13834  
parenting shall be filed with the petition for dissolution of 13835  
marriage, if the question of parental rights and responsibilities 13836  
for the care of the children arises out of an action for 13837  
dissolution of marriage, or, in other cases, at a time at least 13838  
thirty days prior to the hearing on the issue of the parental 13839  
rights and responsibilities for the care of the children. A plan 13840  
for shared parenting shall include provisions covering all factors 13841  
that are relevant to the care of the children, including, but not 13842  
limited to, provisions covering factors such as physical living 13843  
arrangements, child support obligations, provision for the 13844  
children's medical and dental care, school placement, and the 13845  
parent with which the children will be physically located during 13846  
legal holidays, school holidays, and other days of special 13847  
importance. 13848

(H) If an appeal is taken from a decision of a court that 13849  
grants or modifies a decree allocating parental rights and 13850  
responsibilities for the care of children, the court of appeals 13851  
shall give the case calendar priority and handle it expeditiously. 13852

(I) Upon receipt of an order to active military service in 13853  
the uniformed services, a parent who is subject to an order 13854  
allocating parental rights and responsibilities or in relation to 13855  
whom an action to allocate parental rights and responsibilities is 13856  
pending and who is ordered to active military service shall notify 13857  
the other parent who is subject to the order or in relation to 13858

whom the case is pending of the order to active military service. 13859  
Either parent may apply to the court for a hearing to expedite an 13860  
allocation or modification proceeding. The application shall 13861  
include the date on which the active military service begins. 13862

The court shall schedule a hearing upon receipt of the 13863  
application and hold the hearing not later than thirty days after 13864  
receipt of the application, except that the court shall give the 13865  
case calendar priority and handle the case expeditiously if 13866  
exigent circumstances exist in the case. 13867

The court shall not modify a prior decree allocating parental 13868  
rights and responsibilities unless the court determines by clear 13869  
and convincing evidence that there has been a change in 13870  
circumstances of the child, the child's residential parent, or 13871  
either of the parents subject to a shared parenting decree, and 13872  
that modification is necessary to serve the best interest of the 13873  
child. The court shall not consider active military service in the 13874  
uniformed services in determining whether a change in 13875  
circumstances exists under this section. 13876

Nothing in this division shall prevent a court from issuing a 13877  
temporary order allocating or modifying parental rights and 13878  
responsibilities for the duration of the parent's active military 13879  
service. 13880

(J) As used in this section: 13881

(1) "Abused child" has the same meaning as in section 13882  
2151.031 of the Revised Code, ~~and "neglected."~~ 13883

(2) "Active military service" means the performance of active 13884  
military duty by a member of the uniformed services for a period 13885  
of more than thirty days. 13886

(3) "Neglected child" has the same meaning as in section 13887  
2151.03 of the Revised Code. 13888

~~(2)~~(4) "Sexually oriented offense" has the same meaning as in 13889  
section 2950.01 of the Revised Code. 13890

(5) "Uniformed services" means the United States armed 13891  
forces, army national guard and air national guard when engaged in 13892  
active duty for training, or the commissioned corps of the United 13893  
States public health service. 13894

~~(J)~~(K) As used in the Revised Code, "shared parenting" means 13895  
that the parents share, in the manner set forth in the plan for 13896  
shared parenting that is approved by the court under division 13897  
(D)(1) and described in division ~~(K)~~(L)(6) of this section, all or 13898  
some of the aspects of physical and legal care of their children. 13899

~~(K)~~(L) For purposes of the Revised Code: 13900

(1) A parent who is granted the care, custody, and control of 13901  
a child under an order that was issued pursuant to this section 13902  
prior to April 11, 1991, and that does not provide for shared 13903  
parenting has "custody of the child" and "care, custody, and 13904  
control of the child" under the order, and is the "residential 13905  
parent," the "residential parent and legal custodian," or the 13906  
"custodial parent" of the child under the order. 13907

(2) A parent who primarily is allocated the parental rights 13908  
and responsibilities for the care of a child and who is designated 13909  
as the residential parent and legal custodian of the child under 13910  
an order that is issued pursuant to this section on or after April 13911  
11, 1991, and that does not provide for shared parenting has 13912  
"custody of the child" and "care, custody, and control of the 13913  
child" under the order, and is the "residential parent," the 13914  
"residential parent and legal custodian," or the "custodial 13915  
parent" of the child under the order. 13916

(3) A parent who is not granted custody of a child under an 13917  
order that was issued pursuant to this section prior to April 11, 13918  
1991, and that does not provide for shared parenting is the 13919

"parent who is not the residential parent," the "parent who is not the residential parent and legal custodian," or the "noncustodial parent" of the child under the order. 13920  
13921  
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(4) A parent who is not primarily allocated the parental rights and responsibilities for the care of a child and who is not designated as the residential parent and legal custodian of the child under an order that is issued pursuant to this section on or after April 11, 1991, and that does not provide for shared parenting is the "parent who is not the residential parent," the "parent who is not the residential parent and legal custodian," or the "noncustodial parent" of the child under the order. 13923  
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(5) Unless the context clearly requires otherwise, if an order is issued by a court pursuant to this section and the order provides for shared parenting of a child, both parents have "custody of the child" or "care, custody, and control of the child" under the order, to the extent and in the manner specified in the order. 13931  
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(6) Unless the context clearly requires otherwise and except as otherwise provided in the order, if an order is issued by a court pursuant to this section and the order provides for shared parenting of a child, each parent, regardless of where the child is physically located or with whom the child is residing at a particular point in time, as specified in the order, is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child. 13937  
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(7) Unless the context clearly requires otherwise and except as otherwise provided in the order, a designation in the order of a parent as the residential parent for the purpose of determining the school the child attends, as the custodial parent for purposes of claiming the child as a dependent pursuant to section 152(e) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, or as the residential parent for purposes of 13945  
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receiving public assistance pursuant to division (A)(2) of this 13952  
section, does not affect the designation pursuant to division 13953  
~~(K)~~(L)(6) of this section of each parent as the "residential 13954  
parent," the "residential parent and legal custodian," or the 13955  
"custodial parent" of the child. 13956

~~(L)~~(M) The court shall require each parent of a child to file 13957  
an affidavit attesting as to whether the parent, and the members 13958  
of the parent's household, have been convicted of or pleaded 13959  
guilty to any of the offenses identified in divisions (C) and 13960  
(F)(1)(h) of this section. 13961

**Sec. 3109.041.** (A) Parties to any custody decree issued 13962  
pursuant to section 3109.04 of the Revised Code prior to ~~the~~ 13963  
~~effective date of this amendment~~ April 11, 1991, may file a motion 13964  
with the court that issued the decree requesting the issuance of a 13965  
shared parenting decree in accordance with division (G) of section 13966  
3109.04 of the Revised Code. Upon the filing of the motion, the 13967  
court shall determine whether to grant the parents shared rights 13968  
and responsibilities for the care of the children in accordance 13969  
with divisions (A), (D)(1), ~~and~~ (E)(1), and (I) of section 3109.04 13970  
of the Revised Code. 13971

(B) A custody decree issued pursuant to section 3109.04 of 13972  
the Revised Code prior to ~~the effective date of this amendment~~ 13973  
April 11, 1991, that granted joint care, custody, and control of 13974  
the children to the parents shall not be affected or invalidated 13975  
by, and shall not be construed as being affected or invalidated 13976  
by, the provisions of section 3109.04 of the Revised Code relative 13977  
to the granting of a shared parenting decree or a decree 13978  
allocating parental rights and responsibilities for the care of 13979  
children on and after ~~the effective date of this amendment~~ April 13980  
11, 1991. The decree issued prior to ~~the effective date of this~~ 13981  
~~amendment~~ April 11, 1991 shall remain in full force and effect, 13982

subject to modification or termination pursuant to section 3109.04 13983  
 of the Revised Code as that section exists on and after ~~the~~ 13984  
~~effective date of this amendment~~ April 11, 1991. 13985

(C) As used in this section, "joint custody" and "joint care, 13986  
 custody, and control" have the same meaning as "shared parenting." 13987

**Sec. 3119.022.** When a court or child support enforcement 13988  
 agency calculates the amount of child support to be paid pursuant 13989  
 to a child support order in a proceeding in which one parent is 13990  
 the residential parent and legal custodian of all of the children 13991  
 who are the subject of the child support order or in which the 13992  
 court issues a shared parenting order, the court or agency shall 13993  
 use a worksheet identical in content and form to the following: 13994

CHILD SUPPORT COMPUTATION WORKSHEET 13995

SOLE RESIDENTIAL PARENT OR SHARED PARENTING ORDER 13996

Name of parties ..... 13997

Case No. .... 13998

Number of minor children ..... 13999

The following parent was designated as residential parent and 14000  
 legal custodian: ..... mother ..... father ..... shared 14001

Column I Column II Column III 14002

Father Mother Combined 14003

INCOME: 14004

1.a. Annual gross income from 14005

employment or, when 14006

determined appropriate 14007

by the court or agency, 14008

average annual gross income 14009

from employment over a 14010

reasonable period of years. 14011

(Exclude overtime, bonuses, 14012

self-employment income, or		14013
commissions).....	\$..... \$.....	14014
b. Amount of overtime,		14015
bonuses, and commissions		14016
(year 1 representing the		14017
most recent year)		14018
Father	Mother	14019
Yr. 3 \$.....	Yr. 3 \$.....	14020
(Three years ago)	(Three years ago)	14021
Yr. 2 \$.....	Yr. 2 \$.....	14022
(Two years ago)	(Two years ago)	14023
Yr. 1 \$.....	Yr. 1 \$.....	14024
(Last calendar year)	(Last calendar year)	14025
Average \$.....	Average \$.....	14026
(Include in Col. I and/or		14027
Col. II the average of the		14028
three years or the year 1		14029
amount, whichever is less,		14030
if there exists a reasonable		14031
expectation that the total		14032
earnings from overtime and/or		14033
bonuses during the current		14034
calendar year will meet or		14035
exceed the amount that is		14036
the lower of the average		14037
of the three years or the		14038
year 1 amount. If, however,		14039
there exists a reasonable		14040
expectation that the total		14041
earnings from overtime/		14042
bonuses during the current		14043
calendar year will be less		14044
than the lower of the average		14045



of the 3 years or the year 1			14046
amount, include only the			14047
amount reasonably expected			14048
to be earned this year.)... \$..... \$.....			14049
			14050
2. For self-employment income:			14051
a. Gross receipts from			14052
business..... \$..... \$.....			14053
b. Ordinary and necessary			14054
business expenses..... \$..... \$.....			14055
c. 5.6% of adjusted gross			14056
income or the actual			14057
marginal difference between			14058
the actual rate paid by the			14059
self-employed individual			14060
and the F.I.C.A. rate ..... \$..... \$.....			14061
d. Adjusted gross income from			14062
self-employment (subtract			14063
the sum of 2b and 2c from			14064
2a)..... \$..... \$.....			14065
			14066
3. Annual income from interest			14067
and dividends (whether or			14068
not taxable)..... \$..... \$.....			14069
			14070
4. Annual income from			14071
unemployment compensation... \$..... \$.....			14072
			14073
5. Annual income from workers'			14074
compensation, disability			14075
insurance benefits, or social			14076
security disability/			14077
retirement benefits..... \$..... \$.....			14078

			14079
6.	Other annual income		14080
	(identify).....	\$..... \$.....	14081
			14082
7.a.	Total annual gross income		14083
	(add lines 1a, 1b, 2d, and		14084
	3-6).....	\$..... \$.....	14085
b.	<u>Health care maximum (multiply</u>		14086
	<u>line 7a by 5%)</u>	<u>\$..... \$.....</u>	14087
			14088
	ADJUSTMENTS TO INCOME:		14089
8.	Adjustment for minor children		14090
	born to or adopted by either		14091
	parent and another parent who		14092
	are living with this parent;		14093
	adjustment does not apply		14094
	to stepchildren (number of		14095
	children times federal income		14096
	tax exemption less child		14097
	support received, not to		14098
	exceed the federal tax		14099
	exemption).....	\$..... \$.....	14100
			14101
9.	Annual court-ordered support		14102
	paid for other children....	\$..... \$.....	14103
			14104
10.	Annual court-ordered spousal		14105
	support paid to any spouse		14106
	or former spouse.....	\$..... \$.....	14107
			14108
11.	Amount of local income taxes		14109
	actually paid or estimated		14110
	to be paid.....	\$..... \$.....	14111

			14112
12.	Mandatory work-related		14113
	deductions such as union		14114
	dues, uniform fees, etc.		14115
	(not including taxes, social		14116
	security, or retirement)...	\$..... \$.....	14117
			14118
13.	Total gross income		14119
	adjustments (add lines		14120
	8 through 12).....	\$..... \$.....	14121
			14122
14.	Adjusted annual gross		14123
	income (subtract line 13		14124
	from line 7a).....	\$..... \$.....	14125
			14126
15.	Combined annual income that		14127
	is basis for child support		14128
	order (add line 14, Col. I		14129
	and Col. II).....	\$.....	14130
			14131
16.	Percentage of parent's		14132
	income to total income		14133
a.	Father (divide line 14,		14134
	Col. I, by line 15, Col.		14135
	III).....%		14136
b.	Mother (divide line 14,		14137
	Col. II, by line 15, Col.		14138
	III).....%		14139
			14140
17.	Basic combined child		14141
	support obligation (refer		14142
	to schedule, first column,		14143
	locate the amount nearest		14144

to the amount on line 15,		14145
Col. III, then refer to		14146
column for number of		14147
children in this family.		14148
If the income of the		14149
parents is more than one		14150
sum but less than another,		14151
you may calculate the		14152
difference.).....	\$.....	14153
		14154
18. Annual support obligation per parent		14155
a. Father (multiply line 17,		14156
Col. III, by line 16a).....	\$.....	14157
b. Mother (multiply line 17,		14158
Col. III, by line 16b).....	\$.....	14159
		14160
19. Annual child care expenses		14161
for children who are the		14162
subject of this order that		14163
are work-, employment		14164
training-, or education-		14165
related, as approved by		14166
the court or agency		14167
(deduct tax credit from		14168
annual cost, whether or		14169
not claimed).....	\$..... \$.....	14170
		14171
20. <del>Marginal, out-of-pocket</del>		14172
<del>costs, necessary to provide</del>		14173
<del>for health insurance for</del>		14174
<del>the children who are the</del>		14175
<del>subject of this order</del>		14176
<u>Actual out-of-pocket</u>		14177

<u>health insurance cost</u>		14178
<u>to parent for the children</u>		14179
<u>who are the subject of</u>		14180
<u>this order, if the parent</u>		14181
<u>is ordered to provide</u>		14182
<u>health insurance</u> .....	\$.....	\$.....
		14183
		14184
21. ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH INSURANCE IS PROVIDED:</u>		
Father (only if obligor	Mother (only if obligor	14186
or shared parenting)	or shared parenting)	14187
a. Additions: line 16a	b. Additions: line 16b	14188
times sum of amounts	times sum of amounts	14189
shown on line 19, Col. II	shown on line 19, Col. I	14190
and line 20, Col. II	and line 20, Col. I	14191
\$.....	\$.....	14192
c. Subtractions: line 16b	d. Subtractions: line 16a	14193
times sum of amounts	times sum of amounts	14194
shown on line 19, Col. I	shown on line 19, Col. II	14195
and line 20, Col. I	and line 20, Col. II	14196
\$.....	\$.....	14197
		14198
22. OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH</u>		
<u>INSURANCE IS PROVIDED:</u>		
a. Father: line 18a plus or		14200
minus the difference between		14201
line 21a minus line 21c		14202
.....	\$.....	14203
b. Mother: line 18b plus or		14204
minus the difference between		14205
line 21b minus line 21d		14206
.....	\$.....	14207
		14208
23. ACTUAL ANNUAL OBLIGATION <u>WHEN HEALTH INSURANCE IS PROVIDED:</u>		
		14209

a. (Line 22a or 22b, whichever	14210	
line corresponds to the	14211	
parent who is the obligor). \$.....	14212	
b. Any non-means-tested	14213	
benefits, including social	14214	
security and veterans'	14215	
benefits, paid to and	14216	
received by a child or a	14217	
person on behalf of the	14218	
child due to death,	14219	
disability, or retirement	14220	
of the parent..... \$.....	14221	
c. Actual annual obligation	14222	
(subtract line 23b from	14223	
line 23a)..... \$.....	14224	
	14225	
24. ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT	14226	
PROVIDED:		
<u>Father (only if obligor</u>	<u>Mother (only if obligor</u>	14227
<u>or shared parenting)</u>	<u>or shared parenting)</u>	14228
a. <u>Additions: line 16a times</u>	b. <u>Additions: line 16b times</u>	14229
<u>amount shown on line 19,</u>	<u>amount shown on line 19,</u>	14230
<u>Col. II</u>	<u>Col. I</u>	14231
<u>\$.....</u>	<u>\$.....</u>	14232
c. <u>Subtractions: line 16b</u>	d. <u>Subtractions: line 16a</u>	14233
<u>times amount shown on</u>	<u>times amount shown on</u>	14234
<u>line 19, Col. I</u>	<u>line 19, Col. II</u>	14235
<u>\$.....</u>	<u>\$.....</u>	14236
		14237
25. <u>OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT</u>	14238	
<u>WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>	14239	
a. <u>Father: line 18a plus or</u>	14240	
<u>minus the difference between</u>		

<u>line 24a minus line 24c</u>		
.....	\$.....	14241
b. <u>Mother: line 18b plus or</u>		14242
<u>minus the difference between</u>		
<u>line 24b and 24d</u>		
.....	\$.....	14243
		14244
26. <u>ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>		14245
a. <u>(Line 25a or 25b, whichever</u>		14246
<u>line corresponds to the</u>		
<u>parent who is the</u>		
<u>obligor)</u>	\$.....	14247
b. <u>Any non-means-tested</u>		14248
<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>	\$.....	14249
c. <u>Actual annual obligation</u>		14250
<u>(subtract line 26b from line</u>		
<u>26a</u>	\$.....	14251
		14252
27.a. <u>Deviation from sole residential parent support amount shown</u>		14253
<u>on line 23c if amount would be unjust or inappropriate: (see</u>		14254
<u>section 3119.23 of the Revised Code.) (Specific facts and</u>		14255
<u>monetary value must be stated.)</u>		14256
.....		14257
.....		14258
.....		14259
.....		14260

b. Deviation from shared parenting order: (see sections 3119.23 14261  
and 3119.24 of the Revised Code.) (Specific facts including 14262  
amount of time children spend with each parent, ability of 14263  
each parent to maintain adequate housing for children, and 14264  
each parent's expenses for children must be stated to justify 14265  
deviation.) 14266  
..... 14267  
..... 14268  
..... 14269  
..... 14270  
WHEN WHEN 14271  
HEALTH HEALTH  
INSURANCE INSURANCE  
IS IS NOT  
PROVIDED PROVIDED

~~25~~ FINAL CHILD SUPPORT FIGURE: 14272

28. (This amount reflects final  
annual child support  
obligation; 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)  
..... \$..... \$..... Father/Mother, 14273  
OBLIGOR  
14274

~~26~~ FOR DECREE: Child support per 14275

29. month (divide obligor's  
annual share, line ~~25~~ 28, by  
12) plus any processing  
charge



.....	\$.....	<u>\$.....</u>	14276
			14277
30. <u>FINAL CASH MEDICAL SUPPORT</u>			14278
<u>FIGURE: (this amount reflects</u>			
<u>the final, annual cash</u>			
<u>medical support to be paid by</u>			
<u>the obligor when neither</u>			
<u>parent provides health</u>			
<u>insurance coverage for the</u>			
<u>child; enter obligor's child</u>			
<u>support amount from</u>			
<u>line 7b</u>		<u>\$.....</u>	14279
			14280
31. <u>FOR DECREE: Cash medical</u>			14281
<u>support per month (divide</u>			
<u>line 30 by 12)</u>		<u>\$.....</u>	14282
Prepared by:			14283
Counsel: .....	Pro se: .....		14284
(For mother/father)			14285
CSEA: .....	Other: .....		14286
Worksheet Has Been Reviewed and Agreed To:			14287
.....	.....		14288
Mother	Date		14289
.....	.....		14290
Father	Date		14291
<b>Sec. 3119.023.</b> When a court or child support enforcement			14292
agency calculates the amount of child support to be paid pursuant			14293
to a court child support order in a proceeding in which the			14294
parents have split parental rights and responsibilities with			14295
respect to the children who are the subject of the child support			14296
order, the court or child support enforcement agency shall use a			14297
worksheet that is identical in content and form to the following:			14298



Col. II the average of the			14331
three years or the year 1			14332
amount, whichever is less,			14333
if there exists a reasonable			14334
expectation that the total			14335
earnings from overtime and/or			14336
bonuses during the current			14337
calendar year will meet or			14338
exceed the amount that is			14339
the lower of the average			14340
of the three years or the			14341
year 1 amount. If, however,			14342
there exists a reasonable			14343
expectation that the total			14344
earnings from overtime/			14345
bonuses during the current			14346
calendar year will be less			14347
than the lower of the average			14348
of the 3 years or the year 1			14349
amount, include only the			14350
amount reasonably expected			14351
to be earned this year.)... \$..... \$.....			14352
			14353
2. For self-employment income			14354
a. Gross receipts from			14355
business..... \$..... \$.....			14356
b. Ordinary and necessary			14357
business expenses..... \$..... \$.....			14358
c. 5.6% of adjusted gross			14359
income or the actual			14360
marginal difference between			14361
the actual rate paid by the			14362
self-employed individual			14363

and the F.I.C.A. rate .....	\$.....	\$.....	14364
d. Adjusted gross income from			14365
self-employment (subtract			14366
the sum of 2b and 2c from			14367
2a).....	\$.....	\$.....	14368
			14369
3. Annual income from interest			14370
and dividends (whether or			14371
not taxable).....	\$.....	\$.....	14372
			14373
4. Annual income from			14374
unemployment compensation...	\$.....	\$.....	14375
			14376
5. Annual income from workers'			14377
compensation, disability			14378
insurance benefits or social			14379
security disability			14380
retirement benefits.....	\$.....	\$.....	14381
			14382
6. Other annual income			14383
(identify).....	\$.....	\$.....	14384
			14385
7.a. Total annual gross income			14386
(add lines 1a, 1b, 2d, and			14387
3-6).....	\$.....	\$.....	14388
b. <u>Health care maximum</u>			14389
(multiply line 7a			14390
<u>by 5%</u> )	<u>\$.....</u>	<u>\$.....</u>	14391
			14392
ADJUSTMENTS TO INCOME:			14393
8. Adjustment for minor children			14394
born to or adopted by either			14395
parent and another parent who			14396

are living with this parent;			14397
adjustment does not apply			14398
to stepchildren (number of			14399
children times federal income			14400
tax exemption less child			14401
support received, not to			14402
exceed the federal tax			14403
exemption).....	\$.....	\$.....	14404
			14405
9. Annual court-ordered support			14406
paid for other children....	\$.....	\$.....	14407
			14408
10. Annual court-ordered spousal			14409
support paid to any spouse			14410
or former spouse.....	\$.....	\$.....	14411
			14412
11. Amount of local income taxes			14413
actually paid or estimated			14414
to be paid.....	\$.....	\$.....	14415
			14416
12. Mandatory work-related			14417
deductions such as union			14418
dues, uniform fees, etc.			14419
(not including taxes, social			14420
security, or retirement)...	\$.....	\$.....	14421
			14422
13. Total gross income			14423
adjustments (add lines			14424
8 through 12).....	\$.....	\$.....	14425
			14426
14. Adjusted annual gross			14427
income (subtract line 13			14428
from 7a).....	\$.....	\$.....	14429

		14430	
15.	Combined annual income that	14431	
	is basis for child support	14432	
	order (add line 14, Col. I	14433	
	and Col. II).....	\$..... 14434	
		14435	
16.	Percentage of parent's	14436	
	income to total income	14437	
a.	Father (divide line 14,	14438	
	Col. I, by line 15, Col.	14439	
	III).....%	14440	
b.	Mother (divide line 14,	14441	
	Col. II, by line 15, Col.	14442	
	III).....%	14443	
		14444	
17.	Basic combined child	14445	
	support obligation (refer	14446	
	to schedule, first column,	14447	
	locate the amount nearest	14448	
	to the amount on line 15,	14449	
	Col. III, then refer to	14450	
	column for number of	14451	
	children with this parent.	14452	
	If the income of the	14453	
	parents is more than one	14454	
	sum but less than another,	14455	
	you may calculate the	14456	
	difference).....	14457	
		14458	
	For children	For children	14459
	for whom the	for whom the	14460
	mother is the	father is the	14461
	residential	residential	14462

	parent and	parent and	14463
	legal custodian	legal custodian	14464
	\$.....	\$.....	14465
			14466
18.	Annual support obligation per parent		14467
a.	Of father for children for		14468
	whom mother is the		14469
	residential parent and		14470
	legal custodian (multiply		14471
	line 17, Col. I, by line		14472
	16a).....	\$.....	14473
b.	Of mother for children for		14474
	whom the father is the		14475
	residential parent and		14476
	legal custodian (multiply		14477
	line 17, Col. II, by line		14478
	16b).....	\$.....	14479
			14480
19.	Annual child care expenses		14481
	for children who are the		14482
	subject of this order that		14483
	are work-, employment		14484
	training-, or education-		14485
	related, as approved by		14486
	the court or agency		14487
	(deduct tax credit from		14488
	annual cost whether or		14489
	not claimed).....	Paid by	14490
		father	14491
		mother	14492
		\$.....	14493
		\$.....	14494
20.	<del>Marginal, out-of-pocket</del>		14494
	<del>costs, necessary to provide</del>		14495

<del>for health insurance for</del>		14496
<del>the children who are the</del>		14497
<del>subject of this order.....</del>		14498
<u>Actual out-of-pocket health</u>		14499
<u>insurance cost to parent for</u>		
<u>children who are the subject</u>		
<u>of this order, if the parent</u>		
<u>is ordered to provide health</u>		
<u>insurance</u>	Paid by	14500
	father	14501
	\$.....	14502
	Paid by	
	mother	14503
	\$.....	14504
21. ADJUSTMENTS TO CHILD SUPPORT <u>WHEN HEALTH INSURANCE IS</u>		
<u>PROVIDED:</u>		
Father	Mother	14505
a. Additions: line 16a	b. Additions: line 16b	14506
times sum of amounts	times sum of amounts	14507
shown on line 19, Col. II	shown on line 19, Col. I	14508
and line 20, Col. II	and line 20, Col. I	14509
\$.....	\$.....	14510
c. Subtractions: line 16b	d. Subtractions: line 16a	14511
times sum of amounts	times sum of amounts	14512
shown on line 19, Col. I	shown on line 19, Col. II	14513
and line 20, Col. I	and line 20, Col. II	14514
\$.....	\$.....	14515
		14516
22. ACTUAL ANNUAL OBLIGATION <u>WHEN HEALTH INSURANCE IS PROVIDED:</u>		14517
a. Father: line 18a plus line		14518
21a minus line 21c (if the		14519
amount on line 21c is		14520
greater than or equal to		14521
the amount on line 21a--		14522
enter the number on line		14523



18a in Col. I).....	\$.....	14524
b. Any non-means-tested		14525
benefits, including social		14526
security and veterans'		14527
benefits, paid to and		14528
received by children for		14529
whom the mother is the		14530
residential parent and		14531
legal custodian or a person		14532
on behalf of those children		14533
due to death, disability,		14534
or retirement of the		14535
father.....	\$.....	14536
c. Actual annual obligation of		14537
father (subtract line 22b		14538
from line 22a).....	\$.....	14539
d. Mother: line 18b plus line		14540
21b minus line 21d (if the		14541
amount on line 21d is		14542
greater than or equal to		14543
the amount on line		14544
21b--enter the number on		14545
line 18b in Col. II).....	\$.....	14546
e. Any non-means-tested		14547
benefits, including social		14548
security and veterans'		14549
benefits, paid to and		14550
received by children for		14551
whom the father is the		14552
residential parent and		14553
legal custodian or a person		14554
on behalf of those children		14555
due to death, disability,		14556

or retirement of the		14557
mother.....	\$.....	14558
f. Actual annual obligation		14559
of mother (subtract line 22e		14560
from line 22d).....	\$.....	14561
g. Actual annual obligation		14562
payable (subtract lesser		14563
actual annual obligation		14564
from greater actual annual		14565
obligation using amounts in		14566
lines 22c and 22f to		14567
determine net child support		14568
payable).....	\$..... \$.....	14569
		14570
23. <u>ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT</u>		14571
<u>PROVIDED:</u>		
<u>Father</u>	<u>Mother</u>	14572
a. <u>Additions: line 16a times</u>	b. <u>Additions: line 16b times</u>	14573
<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>	14574
c. <u>Subtractions: line 16b</u>	d. <u>Subtractions: line 16a times</u>	14575
<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>	14576
		14577
24. <u>ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:</u>		14578
a. <u>Father: line 18a plus line</u>		14579
<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>	14580
b.	<u>Any non-means-tested</u> <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>	14582
c.	<u>Actual annual obligation of</u> <u>the father (subtract line 24b</u> <u>from line 24a)</u>	<u>\$.....</u>	14584
d.	<u>Mother: line 18b plus line</u> <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>	14586
e.	<u>Any non-means-tested</u> <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>		14587

.....	\$.....	14588
f. <u>Actual annual obligation of</u>		14589
<u>the mother (subtract line 24e</u>		
<u>from line 24d)</u>	\$.....	14590
g. <u>Actual annual obligation</u>		14591
<u>payable (subtract lesser</u>		
<u>actual annual obligation from</u>		
<u>greater annual obligation of</u>		
<u>parents using amounts in</u>		
<u>lines 24c and 24f to</u>		
<u>determine net child support</u>		
<u>payable)</u>		
.....	\$.....	\$.....
.....		14592
h. <u>Add line 7b, Col. I, to line</u>		14593
<u>24g, Col. I, when father is</u>		
<u>the obligor or line 7b, Col.</u>		
<u>II, to line 24g, Col. II,</u>		
<u>when mother is obligor</u>		
.....	\$.....	\$.....
.....		14594
.....		14595
25. <u>Deviation from split residential parent guideline amount</u>		14596
<u>shown on line 22c <del>or 22f</del>, 22f, 24c, or 24f if amount would be</u>		
<u>unjust or inappropriate: (see section 3119.23 of the Revised</u>		
<u>Code.) (Specific facts and monetary value must be stated.)</u>		
.....		14597
.....		14598
.....		14599
.....		14600
.....		14601
	<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>

24	FINAL <u>CHILD SUPPORT</u> FIGURE:	14602
26.	(This amount reflects final annual child support obligation; <u>in Col. I enter 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.</u> )	
	..... \$.....	\$..... Father/Mother, 14603 OBLIGOR
		14604
25	FOR DECREE: Child support per	14605
27.	month (divide obligor's annual share, line 24 26, by 12) plus any processing charge	
	..... \$.....	\$..... 14606
		14607
28.	<u>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)</u>	14608
	.....	\$..... 14609
		14610
29.	<u>FOR DECREE: Cash medical support per month (divide line 28 by 12)</u>	14611

..... \$..... 14612  
Prepared by: 14613  
Counsel: ..... Pro se: ..... 14614  
(For mother/father) 14615  
CSEA: ..... Other: ..... 14616  
Worksheet Has Been Reviewed and Agreed To: 14617  
..... 14618  
Mother Date 14619  
..... 14620  
Father Date 14621

**Sec. 3119.27. (A)** A court that issues or modifies a court 14622  
support order, or an administrative agency that issues or modifies 14623  
an administrative child support order, shall impose on the obligor 14624  
under the support order a processing charge that is the greater of 14625  
two per cent of the support payment to be collected under a 14626  
support order or one dollar per month. No court or agency may call 14627  
the charge a poundage fee. 14628

(B) In each child support case that is a Title IV-D case, the 14629  
department of job and family services shall claim twenty-five 14630  
dollars from the processing charge described in division (A) of 14631  
this section for federal reporting purposes if the obligee has 14632  
never received assistance under Title IV-A and the department has 14633  
collected at least five hundred dollars of child support for the 14634  
obligee. The director of job and family services shall adopt rules 14635  
under Chapter 119. of the Revised Code to implement this division, 14636  
and the department shall implement this division not later than 14637  
March 31, 2008. 14638

(C) As used in this section: 14639

(1) "Annual" means the period as defined in regulations 14640  
issued by the United States secretary of health and human services 14641  
to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 14642

<u>(2) "Title IV-A" has the same meaning as in section 5107.02</u>	14643
<u>of the Revised Code.</u>	14644
<u>(3) "Title IV-D case" has the same meaning as in section</u>	14645
<u>3125.01 of the Revised Code.</u>	14646
<b>Sec. 3119.29. (A)</b> As used in this section and sections	14647
3119.30 to 3119.56 of the Revised Code:	14648
<del>(A)</del> <u>(1) "Cash medical support" means an amount ordered to be</u>	14649
<u>paid in a child support order toward the cost of health insurance</u>	14650
<u>provided by a public entity, another parent, or person with whom</u>	14651
<u>the child resides, through employment or otherwise, or for other</u>	14652
<u>medical cost not covered by insurance.</u>	14653
<u>(2) "Federal poverty line" has the same meaning as defined in</u>	14654
<u>section 5104.01 of the Revised Code.</u>	14655
<u>(3) "Health care" means such medical support that includes</u>	14656
<u>coverage under a health insurance plan, payment of costs of</u>	14657
<u>premiums, co-payments, and deductibles, or payment for medical</u>	14658
<u>expenses incurred on behalf of the child.</u>	14659
<u>(4) "Health insurance coverage" means accessible health</u>	14660
<u>insurance that provides primary care services within either thirty</u>	14661
<u>miles or thirty minutes driving time from the residence of the</u>	14662
<u>child subject to the child support order.</u>	14663
<u>(5) "Health plan administrator" means any entity authorized</u>	14664
<u>under Title XXXIX of the Revised Code to engage in the business of</u>	14665
<u>insurance in this state, any health insuring corporation, any</u>	14666
<u>legal entity that is self-insured and provides benefits to its</u>	14667
<u>employees or members, and the administrator of any such entity or</u>	14668
<u>corporation.</u>	14669
<del>(B)</del> <u>(6) "National medical support notice" means a form</u>	14670
<u>required by the "Child Support Performance and Incentive Act of</u>	14671
<u>1998," P.L. 105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as</u>	14672

amended, and jointly developed and promulgated by the secretary of 14673  
health and human services and the secretary of labor in federal 14674  
regulations adopted under that act as modified by the department 14675  
of job and family services under section 3119.291 of the Revised 14676  
Code. 14677

~~(C)~~(7) "Person required to provide health insurance coverage" 14678  
means the obligor, obligee, or both, required by the court under a 14679  
court child support order or by the child support enforcement 14680  
agency under an administrative child support order to provide 14681  
health insurance coverage pursuant to section 3119.30 of the 14682  
Revised Code. 14683

(8) Subject to division (B) of this section, "reasonable 14684  
cost" means the cost of private family health insurance that does 14685  
not exceed an amount equal to five per cent of the annual gross 14686  
income of the person responsible for the health care of the 14687  
children subject to the child support order. 14688

(9) "Title XIX" has the same meaning as defined in section 14689  
5111.20 of the Revised Code. 14690

(B) If the United States secretary of health and human 14691  
services issues a regulation defining "reasonable cost" or a 14692  
similar term or phrase relevant to the provisions in child support 14693  
orders relating to the provision of health care for children 14694  
subject to the orders, and if that definition is substantively 14695  
different from the meaning of "reasonable cost" as defined in 14696  
division (A) of this section, "reasonable cost" as used in this 14697  
section shall have the meaning as defined by the United States 14698  
secretary of health and human services. 14699

**Sec. 3119.30.** (A) In any action or proceeding in which a 14700  
child support order is issued or modified, the court, with respect 14701  
to court child support orders, and the child support enforcement 14702  
agency, with respect to administrative child support orders, shall 14703



determine the person responsible for the health care of the 14704  
children subject to the child support order. The determination 14705  
shall be based on information provided to the court or to the 14706  
child support enforcement agency under section 3119.31 of the 14707  
Revised Code. The order shall include ~~one of the following:~~ 14708

~~(A) A requirement that the obligor under the child support 14709  
order obtain health insurance coverage for the children if 14710  
coverage is available at a reasonable cost through a group policy, 14711  
contract, or plan offered by the obligor's employer or through any 14712  
other group policy, contract, or plan available to the obligor and 14713  
is not available for a more reasonable cost through a group 14714  
policy, contract, or plan available to the obligee;~~ 14715

~~(B)(1) A requirement that the obligee obtain health insurance 14716  
coverage for the children if coverage is available through a group 14717  
policy, contract, or plan offered by the obligee's employer or 14718  
through any other group policy, contract, or plan available to the 14719  
obligee and is available at a more reasonable cost than coverage 14720  
is available to the obligor;~~ 14721

(C)(2) A requirement that the obligor under the child support 14722  
order obtain health insurance coverage for the children if 14723  
coverage is available at a reasonable cost through any group 14724  
policy, contract, or plan available to the obligor and, in the 14725  
alternative, if the court or child support enforcement agency 14726  
determines that health insurance coverage is not available at a 14727  
reasonable cost to the obligee or obligor, and that the gross 14728  
income of the obligor is over one hundred fifty per cent of the 14729  
federal poverty line, pay cash medical support that is five per 14730  
cent of the obligor's annual gross income to either the office of 14731  
child support in the department of job and family services to 14732  
defray the cost of expenditures under Title XIX to provide health 14733  
care for the children, or the obligee if the children are not 14734  
receiving assistance under Title XIX; 14735

(3) If health insurance coverage for the children is not 14736  
available at a reasonable cost ~~through a group policy, contract,~~ 14737  
~~or plan offered by the obligor's or obligee's employer or through~~ 14738  
~~any other group policy, contract, or plan available to the obligor~~ 14739  
or the obligee, a requirement that the obligor and the obligee 14740  
share liability for the cost of the ~~medical and~~ health care needs 14741  
of the children, under an equitable formula established by the 14742  
court, with respect to a court child support order, or the child 14743  
support enforcement agency, with respect to an administrative 14744  
child support order, with appropriate offset of the amount of any 14745  
cash medical payment ordered pursuant to division (A)(2) of this 14746  
section, and a requirement that if, after the issuance of the 14747  
order, health insurance coverage for the children becomes 14748  
available at a reasonable cost ~~through a group policy, contract,~~ 14749  
~~or plan offered by the obligor's or obligee's employer or through~~ 14750  
any ~~other~~ group policy, contract, or plan available to the obligor 14751  
or obligee, the obligor or obligee to whom the coverage becomes 14752  
available immediately inform the court, with respect to a court 14753  
child support order, or the child support enforcement agency, with 14754  
respect to an administrative child support order; 14755

~~(D)~~(4) A requirement that both the obligor and the obligee 14756  
obtain health insurance coverage for the children if coverage is 14757  
available for the children at a reasonable cost to both the 14758  
obligor and the obligee and dual coverage would provide for 14759  
coordination of medical benefits without unnecessary duplication 14760  
of coverage. 14761

(B) The court, with respect to court child support orders, 14762  
and the child support enforcement agency, with respect to 14763  
administrative child support orders, may determine and include in 14764  
an order issued under division (A) of this section that longer 14765  
travel times are permissible if residents in part or all of the 14766  
service area customarily travel distances farther than thirty 14767

miles or thirty minutes driving time or that primary care services 14768  
are accessible only by public transportation. 14769

**Sec. 3123.23.** (A) The director of job and family services 14770  
shall adopt rules under Chapter 119. of the Revised Code to 14771  
implement a program to collect arrearages owed under child support 14772  
orders from insurance claims, settlements, awards, and payments 14773  
based on information obtained pursuant to Title IV-D of the Social 14774  
Security Act, 42 U.S.C. 652. 14775

(B) Any insurer and any director, agent, or employee 14776  
authorized to act on behalf of an insurer, that releases 14777  
information or makes a disclosure in accordance with rules adopted 14778  
pursuant to this section shall be immune from liability in a civil 14779  
action for harm resulting from the disclosure. 14780

(C) As used in this section, "insurer" has the same meaning 14781  
as in section 3901.32 of the Revised Code. 14782

**Sec. 3125.12.** Each child support enforcement agency shall 14783  
enter into a plan of cooperation with the board of county 14784  
commissioners under section 307.983 of the Revised Code and comply 14785  
with each ~~fiscal grant~~ grant agreement the board enters into under 14786  
~~section sections~~ sections 307.98 and 5101.21 and contracts the board enters 14787  
into under sections 307.981 and 307.982 of the Revised Code that 14788  
affect the agency. 14789

**Sec. 3301.0711.** (A) The department of education shall: 14790

(1) Annually furnish to, grade, and score all tests required 14791  
by section 3301.0710 of the Revised Code to be administered by 14792  
city, local, exempted village, and joint vocational school 14793  
districts, except that each district shall score any test 14794  
administered pursuant to division (B)(10) of this section. Each 14795  
test so furnished shall include the data verification code of the 14796

student to whom the test will be administered, as assigned 14797  
pursuant to division (D)(2) of section 3301.0714 of the Revised 14798  
Code. In furnishing the practice versions of Ohio graduation tests 14799  
prescribed by division (F) of section 3301.0710 of the Revised 14800  
Code, the department shall make the tests available on its web 14801  
site for reproduction by districts. In awarding contracts for 14802  
grading tests, the department shall give preference to Ohio-based 14803  
entities employing Ohio residents. 14804

(2) Adopt rules for the ethical use of tests and prescribing 14805  
the manner in which the tests prescribed by section 3301.0710 of 14806  
the Revised Code shall be administered to students. 14807

(B) Except as provided in divisions (C) and (J) of this 14808  
section, the board of education of each city, local, and exempted 14809  
village school district shall, in accordance with rules adopted 14810  
under division (A) of this section: 14811

(1) Administer the reading test prescribed under division 14812  
(A)(1)(a) of section 3301.0710 of the Revised Code twice annually 14813  
to all students in the third grade who have not attained the score 14814  
designated for that test under division (A)(2)(c) of section 14815  
3301.0710 of the Revised Code. 14816

(2) Administer the mathematics test prescribed under division 14817  
(A)(1)(a) of section 3301.0710 of the Revised Code at least once 14818  
annually to all students in the third grade. 14819

(3) Administer the tests prescribed under division (A)(1)(b) 14820  
of section 3301.0710 of the Revised Code at least once annually to 14821  
all students in the fourth grade. 14822

(4) Administer the tests prescribed under division (A)(1)(c) 14823  
of section 3301.0710 of the Revised Code at least once annually to 14824  
all students in the fifth grade. 14825

(5) Administer the tests prescribed under division (A)(1)(d) 14826  
of section 3301.0710 of the Revised Code at least once annually to 14827

all students in the sixth grade. 14828

(6) Administer the tests prescribed under division (A)(1)(e) 14829  
of section 3301.0710 of the Revised Code at least once annually to 14830  
all students in the seventh grade. 14831

(7) Administer the tests prescribed under division (A)(1)(f) 14832  
of section 3301.0710 of the Revised Code at least once annually to 14833  
all students in the eighth grade. 14834

(8) Except as provided in division (B)(9) of this section, 14835  
administer any test prescribed under division (B) of section 14836  
3301.0710 of the Revised Code as follows: 14837

(a) At least once annually to all tenth grade students and at 14838  
least twice annually to all students in eleventh or twelfth grade 14839  
who have not yet attained the score on that test designated under 14840  
that division; 14841

(b) To any person who has successfully completed the 14842  
curriculum in any high school or the individualized education 14843  
program developed for the person by any high school pursuant to 14844  
section 3323.08 of the Revised Code but has not received a high 14845  
school diploma and who requests to take such test, at any time 14846  
such test is administered in the district. 14847

(9) In lieu of the board of education of any city, local, or 14848  
exempted village school district in which the student is also 14849  
enrolled, the board of a joint vocational school district shall 14850  
administer any test prescribed under division (B) of section 14851  
3301.0710 of the Revised Code at least twice annually to any 14852  
student enrolled in the joint vocational school district who has 14853  
not yet attained the score on that test designated under that 14854  
division. A board of a joint vocational school district may also 14855  
administer such a test to any student described in division 14856  
(B)(8)(b) of this section. 14857

(10) If the district has been declared to be under an 14858

academic watch or in a state of academic emergency pursuant to 14859  
section 3302.03 of the Revised Code or has a three-year average 14860  
graduation rate of not more than seventy-five per cent, administer 14861  
each test prescribed by division (F) of section 3301.0710 of the 14862  
Revised Code in September to all ninth grade students, beginning 14863  
in the school year that starts July 1, 2005. 14864

(C)(1)(a) Any student receiving special education services 14865  
under Chapter 3323. of the Revised Code may be excused from taking 14866  
any particular test required to be administered under this section 14867  
if the individualized education program developed for the student 14868  
pursuant to section 3323.08 of the Revised Code excuses the 14869  
student from taking that test and instead specifies an alternate 14870  
assessment method approved by the department of education as 14871  
conforming to requirements of federal law for receipt of federal 14872  
funds for disadvantaged pupils. To the extent possible, the 14873  
individualized education program shall not excuse the student from 14874  
taking a test unless no reasonable accommodation can be made to 14875  
enable the student to take the test. 14876

(b) Any alternate assessment approved by the department for a 14877  
student under this division shall produce measurable results 14878  
comparable to those produced by the tests which the alternate 14879  
assessments are replacing in order to allow for the student's 14880  
assessment results to be included in the data compiled for a 14881  
school district or building under section 3302.03 of the Revised 14882  
Code. 14883

(c) Any student enrolled in a chartered nonpublic school who 14884  
has been identified, based on an evaluation conducted in 14885  
accordance with section 3323.03 of the Revised Code or section 504 14886  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 14887  
794, as amended, as a child with a disability shall be excused 14888  
from taking any particular test required to be administered under 14889  
this section if a plan developed for the student pursuant to rules 14890

adopted by the state board excuses the student from taking that 14891  
test. In the case of any student so excused from taking a test, 14892  
the chartered nonpublic school shall not prohibit the student from 14893  
taking the test. 14894

(2) A district board may, for medical reasons or other good 14895  
cause, excuse a student from taking a test administered under this 14896  
section on the date scheduled, but any such test shall be 14897  
administered to such excused student not later than nine days 14898  
following the scheduled date. The board shall annually report the 14899  
number of students who have not taken one or more of the tests 14900  
required by this section to the state board of education not later 14901  
than the thirtieth day of June. 14902

(3) As used in this division, "limited English proficient 14903  
student" has the same meaning as in 20 U.S.C. 7801. 14904

No school district board shall excuse any limited English 14905  
proficient student from taking any particular test required to be 14906  
administered under this section, except that any limited English 14907  
proficient student who has been enrolled in United States schools 14908  
for less than one full school year shall not be required to take 14909  
any such reading or writing test. However, no board shall prohibit 14910  
a limited English proficient student who is not required to take a 14911  
test under this division from taking the test. A board may permit 14912  
any limited English proficient student to take any test required 14913  
to be administered under this section with appropriate 14914  
accommodations, as determined by the department. For each limited 14915  
English proficient student, each school district shall annually 14916  
assess that student's progress in learning English, in accordance 14917  
with procedures approved by the department. 14918

The governing authority of a chartered nonpublic school may 14919  
excuse a limited English proficient student from taking any test 14920  
administered under this section. However, no governing authority 14921  
shall prohibit a limited English proficient student from taking 14922

the test. 14923

(D)(1) In the school year next succeeding the school year in 14924  
which the tests prescribed by division (A)(1) or (B) of section 14925  
3301.0710 of the Revised Code or former division (A)(1), (A)(2), 14926  
or (B) of section 3301.0710 of the Revised Code as it existed 14927  
prior to September 11, 2001, are administered to any student, the 14928  
board of education of any school district in which the student is 14929  
enrolled in that year shall provide to the student intervention 14930  
services commensurate with the student's test performance, 14931  
including any intensive intervention required under section 14932  
3313.608 of the Revised Code, in any skill in which the student 14933  
failed to demonstrate at least a score at the proficient level on 14934  
the test. 14935

(2) Following any administration of the tests prescribed by 14936  
division (F) of section 3301.0710 of the Revised Code to ninth 14937  
grade students, each school district that has a three-year average 14938  
graduation rate of not more than seventy-five per cent shall 14939  
determine for each high school in the district whether the school 14940  
shall be required to provide intervention services to any students 14941  
who took the tests. In determining which high schools shall 14942  
provide intervention services based on the resources available, 14943  
the district shall consider each school's graduation rate and 14944  
scores on the practice tests. The district also shall consider the 14945  
scores received by ninth grade students on the reading and 14946  
mathematics tests prescribed under division (A)(1)(f) of section 14947  
3301.0710 of the Revised Code in the eighth grade in determining 14948  
which high schools shall provide intervention services. 14949

Each high school selected to provide intervention services 14950  
under this division shall provide intervention services to any 14951  
student whose test results indicate that the student is failing to 14952  
make satisfactory progress toward being able to attain scores at 14953  
the proficient level on the Ohio graduation tests. Intervention 14954



services shall be provided in any skill in which a student 14955  
demonstrates unsatisfactory progress and shall be commensurate 14956  
with the student's test performance. Schools shall provide the 14957  
intervention services prior to the end of the school year, during 14958  
the summer following the ninth grade, in the next succeeding 14959  
school year, or at any combination of those times. 14960

(E) Except as provided in section 3313.608 of the Revised 14961  
Code and division (M) of this section, no school district board of 14962  
education shall utilize any student's failure to attain a 14963  
specified score on any test administered under this section as a 14964  
factor in any decision to deny the student promotion to a higher 14965  
grade level. However, a district board may choose not to promote 14966  
to the next grade level any student who does not take any test 14967  
administered under this section or make up such test as provided 14968  
by division (C)(2) of this section and who is not exempt from the 14969  
requirement to take the test under division (C)(3) of this 14970  
section. 14971

(F) No person shall be charged a fee for taking any test 14972  
administered under this section. 14973

(G)(1) Each school district board shall ~~submit~~ designate one 14974  
location for the collection of tests administered in the spring 14975  
under division (B)(1) of this section and the tests administered 14976  
under divisions (B)(2) to (7) of this section. Each district board 14977  
shall submit the tests to the entity with which the department 14978  
contracts for the scoring of the tests as follows: 14979

(a) If the district's total enrollment in grades kindergarten 14980  
through twelve during the first full school week of October was 14981  
less than two thousand five hundred, not later than the Friday 14982  
after the tests are administered, ~~except that;~~ 14983

(b) If the district's total enrollment in grades kindergarten 14984  
through twelve during the first full school week of October was 14985

two thousand five hundred or more, but less than seven thousand, 14986  
not later than the Monday after the tests are administered; 14987

(c) If the district's total enrollment in grades kindergarten 14988  
through twelve during the first full school week of October was 14989  
seven thousand or more, not later than the Tuesday after the tests 14990  
are administered. 14991

However, any such test that a student takes during the 14992  
make-up period described in division (C)(2) of this section shall 14993  
be submitted not later than the Friday following the day the 14994  
student takes the test. 14995

(2) The department or an entity with which the department 14996  
contracts for the scoring of the test shall send to each school 14997  
district board a list of the individual test scores of all persons 14998  
taking any test prescribed by division (A)(1) or (B) of section 14999  
3301.0710 of the Revised Code within sixty days after its 15000  
administration, but in no case shall the scores be returned later 15001  
than the fifteenth day of June following the administration. For 15002  
any tests administered under this section by a joint vocational 15003  
school district, the department or entity shall also send to each 15004  
city, local, or exempted village school district a list of the 15005  
individual test scores of any students of such city, local, or 15006  
exempted village school district who are attending school in the 15007  
joint vocational school district. 15008

(H) Individual test scores on any tests administered under 15009  
this section shall be released by a district board only in 15010  
accordance with section 3319.321 of the Revised Code and the rules 15011  
adopted under division (A) of this section. No district board or 15012  
its employees shall utilize individual or aggregate test results 15013  
in any manner that conflicts with rules for the ethical use of 15014  
tests adopted pursuant to division (A) of this section. 15015

(I) Except as provided in division (G) of this section, the 15016

department or an entity with which the department contracts for 15017  
the scoring of the test shall not release any individual test 15018  
scores on any test administered under this section. The state 15019  
board of education shall adopt rules to ensure the protection of 15020  
student confidentiality at all times. The rules may require the 15021  
use of the data verification codes assigned to students pursuant 15022  
to division (D)(2) of section 3301.0714 of the Revised Code to 15023  
protect the confidentiality of student test scores. 15024

(J) Notwithstanding division (D) of section 3311.52 of the 15025  
Revised Code, this section does not apply to the board of 15026  
education of any cooperative education school district except as 15027  
provided under rules adopted pursuant to this division. 15028

(1) In accordance with rules that the state board of 15029  
education shall adopt, the board of education of any city, 15030  
exempted village, or local school district with territory in a 15031  
cooperative education school district established pursuant to 15032  
divisions (A) to (C) of section 3311.52 of the Revised Code may 15033  
enter into an agreement with the board of education of the 15034  
cooperative education school district for administering any test 15035  
prescribed under this section to students of the city, exempted 15036  
village, or local school district who are attending school in the 15037  
cooperative education school district. 15038

(2) In accordance with rules that the state board of 15039  
education shall adopt, the board of education of any city, 15040  
exempted village, or local school district with territory in a 15041  
cooperative education school district established pursuant to 15042  
section 3311.521 of the Revised Code shall enter into an agreement 15043  
with the cooperative district that provides for the administration 15044  
of any test prescribed under this section to both of the 15045  
following: 15046

(a) Students who are attending school in the cooperative 15047  
district and who, if the cooperative district were not 15048

established, would be entitled to attend school in the city, 15049  
local, or exempted village school district pursuant to section 15050  
3313.64 or 3313.65 of the Revised Code; 15051

(b) Persons described in division (B)(8)(b) of this section. 15052

Any testing of students pursuant to such an agreement shall 15053  
be in lieu of any testing of such students or persons pursuant to 15054  
this section. 15055

(K)(1) Any chartered nonpublic school may participate in the 15056  
testing program by administering any of the tests prescribed by 15057  
section 3301.0710 or 3301.0712 of the Revised Code if the chief 15058  
administrator of the school specifies which tests the school 15059  
wishes to administer. Such specification shall be made in writing 15060  
to the superintendent of public instruction prior to the first day 15061  
of August of any school year in which tests are administered and 15062  
shall include a pledge that the nonpublic school will administer 15063  
the specified tests in the same manner as public schools are 15064  
required to do under this section and rules adopted by the 15065  
department. 15066

(2) The department of education shall furnish the tests 15067  
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 15068  
to any chartered nonpublic school electing to participate under 15069  
this division. 15070

(L)(1) The superintendent of the state school for the blind 15071  
and the superintendent of the state school for the deaf shall 15072  
administer the tests described by section 3301.0710 of the Revised 15073  
Code. Each superintendent shall administer the tests in the same 15074  
manner as district boards are required to do under this section 15075  
and rules adopted by the department of education and in conformity 15076  
with division (C)(1)(a) of this section. 15077

(2) The department of education shall furnish the tests 15078  
described by section 3301.0710 of the Revised Code to each 15079

superintendent. 15080

(M) Notwithstanding division (E) of this section, a school 15081  
district may use a student's failure to attain a score in at least 15082  
the basic range on the mathematics test described by division 15083  
(A)(1)(a) of section 3301.0710 of the Revised Code or on any of 15084  
the tests described by division (A)(1)(b), (c), (d), (e), or (f) 15085  
of section 3301.0710 of the Revised Code as a factor in retaining 15086  
that student in the current grade level. 15087

(N)(1) In the manner specified in divisions (N)(3) to (5) of 15088  
this section, the tests required by section 3301.0710 of the 15089  
Revised Code shall become public records pursuant to section 15090  
149.43 of the Revised Code on the first day of July following the 15091  
school year that the test was administered. 15092

(2) The department may field test proposed test questions 15093  
with samples of students to determine the validity, reliability, 15094  
or appropriateness of test questions for possible inclusion in a 15095  
future year's test. The department also may use anchor questions 15096  
on tests to ensure that different versions of the same test are of 15097  
comparable difficulty. 15098

Field test questions and anchor questions shall not be 15099  
considered in computing test scores for individual students. Field 15100  
test questions and anchor questions may be included as part of the 15101  
administration of any test required by section 3301.0710 of the 15102  
Revised Code. 15103

(3) Any field test question or anchor question administered 15104  
under division (N)(2) of this section shall not be a public 15105  
record. Such field test questions and anchor questions shall be 15106  
redacted from any tests which are released as a public record 15107  
pursuant to division (N)(1) of this section. 15108

(4) This division applies to the tests prescribed by division 15109  
(A) of section 3301.0710 of the Revised Code. 15110

(a) The first administration of each test, as specified in section 3301.0712 of the Revised Code, shall be a public record.

(b) For subsequent administrations of each test, not less than forty per cent of the questions on the test that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future test and those questions shall not be public records and shall be redacted from the test prior to its release as a public record.

(5) Each test prescribed by division (B) of section 3301.0710 of the Revised Code that is administered in the spring shall be a public record. Each test prescribed by that division that is administered in the fall or summer shall not be a public record.

(0) As used in this section:

(1) "Three-year average" means the average of the most recent consecutive three school years of data.

(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the state board of education or an education program outside the state. "Dropout" does not include a student who has departed the country.

(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for reasons other than dropout are subtracted from the calculation. If a student who was a dropout in any previous year returns to the same school district, that student shall be entered into the calculation as if the student had entered ninth grade four years before the graduation year of the graduating class that the student joins.

**Sec. 3301.0714.** (A) The state board of education shall adopt 15142  
rules for a statewide education management information system. The 15143  
rules shall require the state board to establish guidelines for 15144  
the establishment and maintenance of the system in accordance with 15145  
this section and the rules adopted under this section. The 15146  
guidelines shall include: 15147

(1) Standards identifying and defining the types of data in 15148  
the system in accordance with divisions (B) and (C) of this 15149  
section; 15150

(2) Procedures for annually collecting and reporting the data 15151  
to the state board in accordance with division (D) of this 15152  
section; 15153

(3) Procedures for annually compiling the data in accordance 15154  
with division (G) of this section; 15155

(4) Procedures for annually reporting the data to the public 15156  
in accordance with division (H) of this section. 15157

(B) The guidelines adopted under this section shall require 15158  
the data maintained in the education management information system 15159  
to include at least the following: 15160

(1) Student participation and performance data, for each 15161  
grade in each school district as a whole and for each grade in 15162  
each school building in each school district, that includes: 15163

(a) The numbers of students receiving each category of 15164  
instructional service offered by the school district, such as 15165  
regular education instruction, vocational education instruction, 15166  
specialized instruction programs or enrichment instruction that is 15167  
part of the educational curriculum, instruction for gifted 15168  
students, instruction for handicapped students, and remedial 15169  
instruction. The guidelines shall require instructional services 15170  
under this division to be divided into discrete categories if an 15171

instructional service is limited to a specific subject, a specific 15172  
type of student, or both, such as regular instructional services 15173  
in mathematics, remedial reading instructional services, 15174  
instructional services specifically for students gifted in 15175  
mathematics or some other subject area, or instructional services 15176  
for students with a specific type of handicap. The categories of 15177  
instructional services required by the guidelines under this 15178  
division shall be the same as the categories of instructional 15179  
services used in determining cost units pursuant to division 15180  
(C)(3) of this section. 15181

(b) The numbers of students receiving support or 15182  
extracurricular services for each of the support services or 15183  
extracurricular programs offered by the school district, such as 15184  
counseling services, health services, and extracurricular sports 15185  
and fine arts programs. The categories of services required by the 15186  
guidelines under this division shall be the same as the categories 15187  
of services used in determining cost units pursuant to division 15188  
(C)(4)(a) of this section. 15189

(c) Average student grades in each subject in grades nine 15190  
through twelve; 15191

(d) Academic achievement levels as assessed by the testing of 15192  
student achievement under sections 3301.0710 and 3301.0711 of the 15193  
Revised Code; 15194

(e) The number of students designated as having a 15195  
handicapping condition pursuant to division (C)(1) of section 15196  
3301.0711 of the Revised Code; 15197

(f) The numbers of students reported to the state board 15198  
pursuant to division (C)(2) of section 3301.0711 of the Revised 15199  
Code; 15200

(g) Attendance rates and the average daily attendance for the 15201  
year. For purposes of this division, a student shall be counted as 15202



present for any field trip that is approved by the school administration.	15203 15204
(h) Expulsion rates;	15205
(i) Suspension rates;	15206
(j) The percentage of students receiving corporal punishment;	15207
(k) Dropout rates;	15208
(l) Rates of retention in grade;	15209
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	15210 15211 15212
(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	15213 15214 15215 15216 15217
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	15218 15219 15220 15221 15222 15223 15224
(2) Personnel and classroom enrollment data for each school district, including:	15225 15226
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall	15227 15228 15229 15230 15231 15232

require these categories of data to be maintained for the school 15233  
district as a whole and, wherever applicable, for each grade in 15234  
the school district as a whole, for each school building as a 15235  
whole, and for each grade in each school building. 15236

(b) The total number of employees and the number of full-time 15237  
equivalent employees providing each category of service used 15238  
pursuant to divisions (C)(4)(a) and (b) of this section, and the 15239  
total numbers of licensed employees and nonlicensed employees and 15240  
the numbers of full-time equivalent licensed employees and 15241  
nonlicensed employees providing each category used pursuant to 15242  
division (C)(4)(c) of this section. The guidelines adopted under 15243  
this section shall require these categories of data to be 15244  
maintained for the school district as a whole and, wherever 15245  
applicable, for each grade in the school district as a whole, for 15246  
each school building as a whole, and for each grade in each school 15247  
building. 15248

(c) The total number of regular classroom teachers teaching 15249  
classes of regular education and the average number of pupils 15250  
enrolled in each such class, in each of grades kindergarten 15251  
through five in the district as a whole and in each school 15252  
building in the school district. 15253

(d) The number of master teachers employed by each school 15254  
district and each school building, once a definition of master 15255  
teacher has been developed by the educator standards board 15256  
pursuant to section 3319.61 of the Revised Code. 15257

(3)(a) Student demographic data for each school district, 15258  
including information regarding the gender ratio of the school 15259  
district's pupils, the racial make-up of the school district's 15260  
pupils, the number of limited English proficient students in the 15261  
district, and an appropriate measure of the number of the school 15262  
district's pupils who reside in economically disadvantaged 15263  
households. The demographic data shall be collected in a manner to 15264

allow correlation with data collected under division (B)(1) of 15265  
this section. Categories for data collected pursuant to division 15266  
(B)(3) of this section shall conform, where appropriate, to 15267  
standard practices of agencies of the federal government. 15268

(b) With respect to each student entering kindergarten, 15269  
whether the student previously participated in a public preschool 15270  
program, a private preschool program, or a head start program, and 15271  
the number of years the student participated in each of these 15272  
programs. 15273

(4) Any data required to be collected pursuant to federal 15274  
law. 15275

(C) The education management information system shall include 15276  
cost accounting data for each district as a whole and for each 15277  
school building in each school district. The guidelines adopted 15278  
under this section shall require the cost data for each school 15279  
district to be maintained in a system of mutually exclusive cost 15280  
units and shall require all of the costs of each school district 15281  
to be divided among the cost units. The guidelines shall require 15282  
the system of mutually exclusive cost units to include at least 15283  
the following: 15284

(1) Administrative costs for the school district as a whole. 15285  
The guidelines shall require the cost units under this division 15286  
(C)(1) to be designed so that each of them may be compiled and 15287  
reported in terms of average expenditure per pupil in formula ADM 15288  
in the school district, as determined pursuant to section 3317.03 15289  
of the Revised Code. 15290

(2) Administrative costs for each school building in the 15291  
school district. The guidelines shall require the cost units under 15292  
this division (C)(2) to be designed so that each of them may be 15293  
compiled and reported in terms of average expenditure per 15294  
full-time equivalent pupil receiving instructional or support 15295

services in each building. 15296

(3) Instructional services costs for each category of 15297  
instructional service provided directly to students and required 15298  
by guidelines adopted pursuant to division (B)(1)(a) of this 15299  
section. The guidelines shall require the cost units under 15300  
division (C)(3) of this section to be designed so that each of 15301  
them may be compiled and reported in terms of average expenditure 15302  
per pupil receiving the service in the school district as a whole 15303  
and average expenditure per pupil receiving the service in each 15304  
building in the school district and in terms of a total cost for 15305  
each category of service and, as a breakdown of the total cost, a 15306  
cost for each of the following components: 15307

(a) The cost of each instructional services category required 15308  
by guidelines adopted under division (B)(1)(a) of this section 15309  
that is provided directly to students by a classroom teacher; 15310

(b) The cost of the instructional support services, such as 15311  
services provided by a speech-language pathologist, classroom 15312  
aide, multimedia aide, or librarian, provided directly to students 15313  
in conjunction with each instructional services category; 15314

(c) The cost of the administrative support services related 15315  
to each instructional services category, such as the cost of 15316  
personnel that develop the curriculum for the instructional 15317  
services category and the cost of personnel supervising or 15318  
coordinating the delivery of the instructional services category. 15319

(4) Support or extracurricular services costs for each 15320  
category of service directly provided to students and required by 15321  
guidelines adopted pursuant to division (B)(1)(b) of this section. 15322  
The guidelines shall require the cost units under division (C)(4) 15323  
of this section to be designed so that each of them may be 15324  
compiled and reported in terms of average expenditure per pupil 15325  
receiving the service in the school district as a whole and 15326

average expenditure per pupil receiving the service in each 15327  
building in the school district and in terms of a total cost for 15328  
each category of service and, as a breakdown of the total cost, a 15329  
cost for each of the following components: 15330

(a) The cost of each support or extracurricular services 15331  
category required by guidelines adopted under division (B)(1)(b) 15332  
of this section that is provided directly to students by a 15333  
licensed employee, such as services provided by a guidance 15334  
counselor or any services provided by a licensed employee under a 15335  
supplemental contract; 15336

(b) The cost of each such services category provided directly 15337  
to students by a nonlicensed employee, such as janitorial 15338  
services, cafeteria services, or services of a sports trainer; 15339

(c) The cost of the administrative services related to each 15340  
services category in division (C)(4)(a) or (b) of this section, 15341  
such as the cost of any licensed or nonlicensed employees that 15342  
develop, supervise, coordinate, or otherwise are involved in 15343  
administering or aiding the delivery of each services category. 15344

(D)(1) The guidelines adopted under this section shall 15345  
require school districts to collect information about individual 15346  
students, staff members, or both in connection with any data 15347  
required by division (B) or (C) of this section or other reporting 15348  
requirements established in the Revised Code. The guidelines may 15349  
also require school districts to report information about 15350  
individual staff members in connection with any data required by 15351  
division (B) or (C) of this section or other reporting 15352  
requirements established in the Revised Code. The guidelines shall 15353  
not authorize school districts to request social security numbers 15354  
of individual students. The guidelines shall prohibit the 15355  
reporting under this section of a student's name, address, and 15356  
social security number to the state board of education or the 15357  
department of education. The guidelines shall also prohibit the 15358

reporting under this section of any personally identifiable 15359  
information about any student, except for the purpose of assigning 15360  
the data verification code required by division (D)(2) of this 15361  
section, to any other person unless such person is employed by the 15362  
school district or the information technology center operated 15363  
under section 3301.075 of the Revised Code and is authorized by 15364  
the district or technology center to have access to such 15365  
information or is employed by an entity with which the department 15366  
contracts for the scoring of tests administered under section 15367  
3301.0711 or 3301.0712 of the Revised Code. The guidelines may 15368  
require school districts to provide the social security numbers of 15369  
individual staff members. 15370

(2) The guidelines shall provide for each school district or 15371  
community school to assign a data verification code that is unique 15372  
on a statewide basis over time to each student whose initial Ohio 15373  
enrollment is in that district or school and to report all 15374  
required individual student data for that student utilizing such 15375  
code. The guidelines shall also provide for assigning data 15376  
verification codes to all students enrolled in districts or 15377  
community schools on the effective date of the guidelines 15378  
established under this section. 15379

Individual student data shall be reported to the department 15380  
through the information technology centers utilizing the code but, 15381  
except as provided in section 3310.11 of the Revised Code, at no 15382  
time shall the state board or the department have access to 15383  
information that would enable any data verification code to be 15384  
matched to personally identifiable student data. 15385

Each school district shall ensure that the data verification 15386  
code is included in the student's records reported to any 15387  
subsequent school district or community school in which the 15388  
student enrolls. Any such subsequent district or school shall 15389  
utilize the same identifier in its reporting of data under this 15390

section. 15391

The director of health shall request and receive, pursuant to 15392  
sections 3301.0723 and 3701.62 of the Revised Code, a data 15393  
verification code for a child who is receiving services under 15394  
division (A)(2) of section 3701.61 of the Revised Code. 15395

A school district or community school shall submit to the 15396  
eTech Ohio commission the data verification code for each of its 15397  
enrolled students who is also enrolled in a course offered through 15398  
the clearinghouse established under section 3353.21 of the Revised 15399  
Code. 15400

(E) The guidelines adopted under this section may require 15401  
school districts to collect and report data, information, or 15402  
reports other than that described in divisions (A), (B), and (C) 15403  
of this section for the purpose of complying with other reporting 15404  
requirements established in the Revised Code. The other data, 15405  
information, or reports may be maintained in the education 15406  
management information system but are not required to be compiled 15407  
as part of the profile formats required under division (G) of this 15408  
section or the annual statewide report required under division (H) 15409  
of this section. 15410

(F) Beginning with the school year that begins July 1, 1991, 15411  
the board of education of each school district shall annually 15412  
collect and report to the state board, in accordance with the 15413  
guidelines established by the board, the data required pursuant to 15414  
this section. A school district may collect and report these data 15415  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 15416

(G) The state board shall, in accordance with the procedures 15417  
it adopts, annually compile the data reported by each school 15418  
district pursuant to division (D) of this section. The state board 15419  
shall design formats for profiling each school district as a whole 15420  
and each school building within each district and shall compile 15421

the data in accordance with these formats. These profile formats shall: 15422  
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(1) Include all of the data gathered under this section in a manner that facilitates comparison among school districts and among school buildings within each school district; 15424  
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(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section. 15427  
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(H)(1) The state board shall, in accordance with the procedures it adopts, annually prepare a statewide report for all school districts and the general public that includes the profile of each of the school districts developed pursuant to division (G) of this section. Copies of the report shall be sent to each school district. 15430  
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(2) The state board shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the profiles of each of the school buildings in that school district developed pursuant to division (G) of this section. Copies of the report shall be sent to the superintendent of the district and to each member of the district board of education. 15436  
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(3) Copies of the reports received from the state board under divisions (H)(1) and (2) of this section shall be made available to the general public at each school district's offices. Each district board of education shall make copies of each report available to any person upon request and payment of a reasonable fee for the cost of reproducing the report. The board shall annually publish in a newspaper of general circulation in the school district, at least twice during the two weeks prior to the week in which the reports will first be available, a notice containing the address where the reports are available and the 15443  
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date on which the reports will be available. 15453

(I) Any data that is collected or maintained pursuant to this 15454  
section and that identifies an individual pupil is not a public 15455  
record for the purposes of section 149.43 of the Revised Code. 15456

(J) As used in this section: 15457

~~(1) "School district" means any city, local, exempted 15458  
village, or joint vocational school district. 15459~~

~~(2) "Cost", "cost" means any expenditure for operating 15460  
expenses made by a school district excluding any expenditures for 15461  
debt retirement except for payments made to any commercial lending 15462  
institution for any loan approved pursuant to section 3313.483 of 15463  
the Revised Code. 15464~~

(K) Any person who removes data from the information system 15465  
established under this section for the purpose of releasing it to 15466  
any person not entitled under law to have access to such 15467  
information is subject to section 2913.42 of the Revised Code 15468  
prohibiting tampering with data. 15469

~~(L) Any time the department of education determines that a 15470  
school district has taken any of the actions described under 15471  
division (L)(1), (2), or (3) of this section, it shall make a 15472  
report of the actions of the district, send a copy of the report 15473  
to the superintendent of such school district, and maintain a copy 15474  
of the report in its files: 15475~~

~~(1) The school district fails to meet any deadline 15476  
established pursuant to this section for the reporting of any data 15477  
to the education management information system; 15478~~

~~(2) The school district fails to meet any deadline 15479  
established pursuant to this section for the correction of any 15480  
data reported to the education management information system; 15481~~

~~(3) The school district reports data to the education 15482~~

~~management information system in a condition, as determined by the 15483  
department, that indicates that the district did not make a good 15484  
faith effort in reporting the data to the system. 15485~~

~~Any report made under this division shall include 15486  
recommendations for corrective action by the school district. 15487~~

~~Upon making a report for the first time in a fiscal year, the 15488  
department shall withhold ten per cent of the total amount due 15489  
during that fiscal year under Chapter 3317. of the Revised Code to 15490  
the school district to which the report applies. Upon making a 15491  
second report in a fiscal year, the department shall withhold an 15492  
additional twenty per cent of such total amount due during that 15493  
fiscal year to the school district to which the report applies. 15494  
The department shall not release such funds unless it determines 15495  
that the district has taken corrective action. However, no such 15496  
release of funds shall occur if the district fails to take 15497  
corrective action within forty five days of the date upon which 15498  
the report was made by the department. 15499~~

(1) In accordance with division (L)(2) of this section, the 15500  
department of education may sanction any school district that 15501  
reports incomplete or inaccurate data, reports data that does not 15502  
conform to data requirements and descriptions published by the 15503  
department, fails to report data in a timely manner, or otherwise 15504  
does not make a good faith effort to report data as required by 15505  
this section. 15506

(2) If the department decides to sanction a school district 15507  
under this division, the department shall take the following 15508  
sequential actions: 15509

(a) Notify the district in writing that the department has 15510  
determined that data has not been reported as required under this 15511  
section and require the district to review its data submission and 15512  
submit corrected data by a deadline established by the department. 15513

The department also may require the district to develop a 15514  
corrective action plan, which shall include provisions for the 15515  
district to provide mandatory staff training on data reporting 15516  
procedures. 15517

(b) Withhold up to ten per cent of the total amount due to 15518  
the district under Chapter 3317. of the Revised Code for the 15519  
current fiscal year and, if not previously required under division 15520  
(L)(2)(a) of this section, require the district to develop a 15521  
corrective action plan in accordance with that division; 15522

(c) Withhold an additional amount of up to twenty per cent of 15523  
the total amount due to the district under Chapter 3317. of the 15524  
Revised Code for the current fiscal year; 15525

(d) Direct department staff or an outside entity to 15526  
investigate the district's data reporting practices and make 15527  
recommendations for subsequent actions. The recommendations may 15528  
include one or more of the following actions: 15529

(i) Arrange for an audit of the district's data reporting 15530  
practices by department staff or an outside entity; 15531

(ii) Conduct a site visit and evaluation of the district; 15532

(iii) Withhold an additional amount of up to thirty per cent 15533  
of the total amount due to the district under Chapter 3317. of the 15534  
Revised Code for the current fiscal year; 15535

(iv) Continue monitoring the district's data reporting; 15536

(v) Assign department staff to supervise the district's data 15537  
management system; 15538

(vi) Conduct an investigation to determine whether to suspend 15539  
or revoke the license of any district employee in accordance with 15540  
division (N) of this section; 15541

(vii) Indicate on the report card issued for the district 15542  
under section 3302.03 of the Revised Code that the district has 15543

been sanctioned for failing to report data as required by this 15544  
section; 15545

(viii) If incomplete or inaccurate data submitted by the 15546  
district likely caused the district to receive a higher 15547  
performance rating than it deserved under section 3302.03 of the 15548  
Revised Code, issue a revised report card for the district; 15549

(ix) Any other action designed to correct the district's data 15550  
reporting problems. 15551

(3) Any time the department takes an action against a school 15552  
district under division (L)(2) of this section, the department 15553  
shall make a report of the circumstances that prompted the action. 15554  
The department shall send a copy of the report to the district 15555  
superintendent and maintain a copy of the report in its files. 15556

(4) If any action taken under division (L)(2) of this section 15557  
resolves a school district's data reporting problems to the 15558  
department's satisfaction, the department shall not take any 15559  
further actions described by that division. If the department 15560  
withheld funds from the district under that division, the 15561  
department may release those funds to the district, except that if 15562  
the department withheld funding under division (L)(2)(c) of this 15563  
section, the department shall not release the funds withheld under 15564  
division (L)(2)(b) of this section and, if the department withheld 15565  
funding under division (L)(2)(d) of this section, the department 15566  
shall not release the funds withheld under division (L)(2)(b) or 15567  
(c) of this section. 15568

(5) Notwithstanding anything in this section to the contrary, 15569  
the department may use its own staff or an outside entity to 15570  
conduct an audit of a school district's data reporting practices 15571  
any time the department has reason to believe the district has not 15572  
made a good faith effort to report data as required by this 15573  
section. If any audit conducted by an outside entity under 15574

division (L)(2)(d)(i) or (5) of this section confirms that a 15575  
district has not made a good faith effort to report data as 15576  
required by this section, the district shall reimburse the 15577  
department for the full cost of the audit. The department may 15578  
withhold funds due to the district under Chapter 3317. of the 15579  
Revised Code for this purpose. 15580

(6) Prior to issuing a revised report card for a school 15581  
district under division (L)(2)(d)(viii) of this section, the 15582  
department may hold a hearing to provide the district with an 15583  
opportunity to demonstrate that it made a good faith effort to 15584  
report data as required by this section. The hearing shall be 15585  
conducted by a referee appointed by the department. Based on the 15586  
information provided in the hearing, the referee shall recommend 15587  
whether the department should issue a revised report card for the 15588  
district. If the referee affirms the department's contention that 15589  
the district did not make a good faith effort to report data as 15590  
required by this section, the district shall bear the full cost of 15591  
conducting the hearing and of issuing any revised report card. 15592

(7) If the department determines that any inaccurate data 15593  
reported under this section caused a school district to receive 15594  
excess funds under Chapter 3317. of the Revised Code in any fiscal 15595  
year, the district shall reimburse the department an amount equal 15596  
to the excess funds, in accordance with a payment schedule 15597  
determined by the department. The department may withhold funds 15598  
due to the district under Chapter 3317. of the Revised Code for 15599  
this purpose. 15600

(8) Any school district that has funds withheld under 15601  
division (L)(2) of this section may appeal the withholding in 15602  
accordance with Chapter 119. of the Revised Code. 15603

(9) In all cases of a disagreement between the department and 15604  
a school district regarding the appropriateness of an action taken 15605  
under division (L)(2) of this section, the burden of proof shall 15606

be on the district to demonstrate that it made a good faith effort 15607  
to report data as required by this section. 15608

(M) No information technology center or school district shall 15609  
acquire, change, or update its student administration software 15610  
package to manage and report data required to be reported to the 15611  
department unless it converts to a student software package that 15612  
is certified by the department. 15613

(N) The state board of education, in accordance with sections 15614  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 15615  
license as defined under division (A) of section 3319.31 of the 15616  
Revised Code that has been issued to any school district employee 15617  
found to have willfully reported erroneous, inaccurate, or 15618  
incomplete data to the education management information system. 15619

(O) No person shall release or maintain any information about 15620  
any student in violation of this section. Whoever violates this 15621  
division is guilty of a misdemeanor of the fourth degree. 15622

(P) The department shall disaggregate the data collected 15623  
under division (B)(1)(o) of this section according to the race and 15624  
socioeconomic status of the students assessed. No data collected 15625  
under that division shall be included on the report cards required 15626  
by section 3302.03 of the Revised Code. 15627

(Q) If the department cannot compile any of the information 15628  
required by division (C)(5) of section 3302.03 of the Revised Code 15629  
based upon the data collected under this section, the department 15630  
shall develop a plan and a reasonable timeline for the collection 15631  
of any data necessary to comply with that division. 15632

**Sec. 3301.162.** (A) If the governing authority of a chartered 15633  
nonpublic school intends to close the school, the governing 15634  
authority shall notify all of the following of that intent prior 15635  
to closing the school: 15636

(1) The department of education; 15637

(2) The school district that receives auxiliary services 15638  
funding under division (I) of section 3317.024 of the Revised Code 15639  
on behalf of the students enrolled in the school; 15640

(3) The accrediting association that most recently accredited 15641  
the school for purposes of chartering the school in accordance 15642  
with the rules of the state board of education, if applicable. 15643

The notice shall include the school year and, if possible, 15644  
the actual date the school will close. 15645

(B) The chief administrator of each chartered nonpublic 15646  
school that closes shall deposit the school's records with the 15647  
school district that received auxiliary services funding under 15648  
division (I) of section 3317.024 of the Revised Code on behalf of 15649  
the students enrolled in the school. 15650

The school district that receives the records may charge for 15651  
and receive a one-time reimbursement from auxiliary services 15652  
funding under division (I) of section 3317.024 of the Revised Code 15653  
for costs the district incurred to store the records. 15654

**Sec. 3301.53.** (A) ~~Not later than July 1, 1988,~~ The state 15655  
board of education, in consultation with the director of job and 15656  
family services, shall formulate and prescribe by rule adopted 15657  
under Chapter 119. of the Revised Code minimum standards to be 15658  
applied to preschool programs operated by school district boards 15659  
of education, county MR/DD boards, or eligible nonpublic schools. 15660  
The rules shall include the following: 15661

(1) Standards ensuring that the preschool program is located 15662  
in a safe and convenient facility that accommodates the enrollment 15663  
of the program, is of the quality to support the growth and 15664  
development of the children according to the program objectives, 15665  
and meets the requirements of section 3301.55 of the Revised Code; 15666

(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 establishing the program;

(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the state board to prevent the spread of communicable disease;

(6) Requirements that the parents of preschool children complete the emergency medical authorization form specified in section 3313.712 of the Revised Code.

(B) The state board of education in consultation with the director of job and family services shall ensure that the rules adopted by the state board under sections 3301.52 to 3301.58 of the Revised Code are consistent with and meet or exceed the requirements of Chapter 5104. of the Revised Code with regard to child day-care centers. The state board and the director of job and family services shall review all such rules at least once every five years.

(C) ~~On or before January 1, 1992, the~~ The state board of education, in consultation with the director of job and family



services, shall adopt rules for school child programs that are 15698  
consistent with and meet or exceed the requirements of the rules 15699  
adopted for school child day-care centers under Chapter 5104. of 15700  
the Revised Code. 15701

**Sec. 3302.03.** (A) Annually the department of education shall 15702  
report for each school district and each school building in a 15703  
district all of the following: 15704

(1) The extent to which the school district or building meets 15705  
each of the applicable performance indicators created by the state 15706  
board of education under section 3302.02 of the Revised Code and 15707  
the number of applicable performance indicators that have been 15708  
achieved; 15709

(2) The performance index score of the school district or 15710  
building; 15711

(3) Whether the school district or building has made adequate 15712  
yearly progress; 15713

(4) Whether the school district or building is excellent, 15714  
effective, needs continuous improvement, is under an academic 15715  
watch, or is in a state of academic emergency. 15716

(B) Except as otherwise provided in ~~division~~ divisions (B)(6) 15717  
and (7) of this section: 15718

(1) A school district or building shall be declared excellent 15719  
if it fulfills one of the following requirements: 15720

(a) It makes adequate yearly progress and either meets at 15721  
least ninety-four per cent of the applicable state performance 15722  
indicators or has a performance index score established by the 15723  
department. 15724

(b) It has failed to make adequate yearly progress for not 15725  
more than two consecutive years and either meets at least 15726  
ninety-four per cent of the applicable state performance 15727

indicators or has a performance index score established by the 15728  
department. 15729

(2) A school district or building shall be declared effective 15730  
if it fulfills one of the following requirements: 15731

(a) It makes adequate yearly progress and either meets at 15732  
least seventy-five per cent but less than ninety-four per cent of 15733  
the applicable state performance indicators or has a performance 15734  
index score established by the department. 15735

(b) It does not make adequate yearly progress and either 15736  
meets at least seventy-five per cent of the applicable state 15737  
performance indicators or has a performance index score 15738  
established by the department, except that if it does not make 15739  
adequate yearly progress for three consecutive years, it shall be 15740  
declared in need of continuous improvement. 15741

(3) A school district or building shall be declared to be in 15742  
need of continuous improvement if it fulfills one of the following 15743  
requirements: 15744

(a) It makes adequate yearly progress, meets less than 15745  
seventy-five per cent of the applicable state performance 15746  
indicators, and has a performance index score established by the 15747  
department. 15748

(b) It does not make adequate yearly progress and either 15749  
meets at least fifty per cent but less than seventy-five per cent 15750  
of the applicable state performance indicators or has a 15751  
performance index score established by the department. 15752

(4) A school district or building shall be declared to be 15753  
under an academic watch if it does not make adequate yearly 15754  
progress and either meets at least thirty-one per cent but less 15755  
than fifty per cent of the applicable state performance indicators 15756  
or has a performance index score established by the department. 15757

(5) A school district or building shall be declared to be in a state of academic emergency if it does not make adequate yearly progress, does not meet at least thirty-one per cent of the applicable state performance indicators, and has a performance index score established by the department.

(6) When designating performance ratings for school districts and buildings under divisions (B)(1) to (5) of this section, the department shall not assign a school district or building a lower designation from its previous year's designation based solely on one subgroup not making adequate yearly progress.

(7) Division (B)(7) of this section does not apply to any community school established under Chapter 3314. of the Revised Code in which a majority of the students are enrolled in a dropout prevention and recovery program.

A school district or building shall not be assigned a higher performance rating than in need of continuous improvement if at least ten per cent but not more than fifteen per cent of the enrolled students do not take all achievement tests prescribed for their grade level under section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than under an academic watch if more than fifteen per cent but not more than twenty per cent of the enrolled students do not take all achievement tests prescribed for their grade level under section 3301.0710 of the Revised Code from which they are not excused pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. A school district or building shall not be assigned a higher performance rating than in a state of academic emergency if more than twenty per cent of the enrolled students do not take all achievement tests prescribed for their grade level under section 3301.0710 of the Revised Code from which they are not

excused pursuant to division (C)(1) or (3) of section 3301.0711 of 15790  
the Revised Code. 15791

(C)(1) The department shall issue annual report cards for 15792  
each school district, each building within each district, and for 15793  
the state as a whole reflecting performance on the indicators 15794  
created by the state board under section 3302.02 of the Revised 15795  
Code, the performance index score, and adequate yearly progress. 15796

(2) The department shall include on the report card for each 15797  
district information pertaining to any change from the previous 15798  
year made by the school district or school buildings within the 15799  
district on any performance indicator. 15800

(3) When reporting data on student performance, the 15801  
department shall disaggregate that data according to the following 15802  
categories: 15803

(a) Performance of students by age group; 15804

(b) Performance of students by race and ethnic group; 15805

(c) Performance of students by gender; 15806

(d) Performance of students grouped by those who have been 15807  
enrolled in a district or school for three or more years; 15808

(e) Performance of students grouped by those who have been 15809  
enrolled in a district or school for more than one year and less 15810  
than three years; 15811

(f) Performance of students grouped by those who have been 15812  
enrolled in a district or school for one year or less; 15813

(g) Performance of students grouped by those who are 15814  
economically disadvantaged; 15815

(h) Performance of students grouped by those who are enrolled 15816  
in a conversion community school established under Chapter 3314. 15817  
of the Revised Code; 15818

(i) Performance of students grouped by those who are classified as limited English proficient;	15819 15820
(j) Performance of students grouped by those who have disabilities;	15821 15822
(k) Performance of students grouped by those who are classified as migrants;	15823 15824
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	15825 15826 15827
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.	15828 15829 15830 15831 15832 15833
In reporting data pursuant to division (C)(3) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (C)(3) of this section that contains less than ten students.	15834 15835 15836 15837 15838 15839 15840
(4) The department may include with the report cards any additional education and fiscal performance data it deems valuable.	15841 15842 15843
(5) The department shall include on each report card a list of additional information collected by the department that is available regarding the district or building for which the report card is issued. When available, such additional information shall include student mobility data disaggregated by race and socioeconomic status, college enrollment data, and the reports	15844 15845 15846 15847 15848 15849

prepared under section 3302.031 of the Revised Code. 15850

The department shall maintain a site on the world wide web. 15851  
The report card shall include the address of the site and shall 15852  
specify that such additional information is available to the 15853  
public at that site. The department shall also provide a copy of 15854  
each item on the list to the superintendent of each school 15855  
district. The district superintendent shall provide a copy of any 15856  
item on the list to anyone who requests it. 15857

(6)(a) This division does not apply to conversion community 15858  
schools that primarily enroll students between sixteen and 15859  
twenty-two years of age who dropped out of high school or are at 15860  
risk of dropping out of high school due to poor attendance, 15861  
disciplinary problems, or suspensions. 15862

For any district that sponsors a conversion community school 15863  
under Chapter 3314. of the Revised Code, the department shall 15864  
combine data regarding the academic performance of students 15865  
enrolled in the community school with comparable data from the 15866  
schools of the district for the purpose of calculating the 15867  
performance of the district as a whole on the report card issued 15868  
for the district. 15869

(b) Any district that leases a building to a community school 15870  
located in the district or that enters into an agreement with a 15871  
community school located in the district whereby the district and 15872  
the school endorse each other's programs may elect to have data 15873  
regarding the academic performance of students enrolled in the 15874  
community school combined with comparable data from the schools of 15875  
the district for the purpose of calculating the performance of the 15876  
district as a whole on the district report card. Any district that 15877  
so elects shall annually file a copy of the lease or agreement 15878  
with the department. 15879

(7) The department shall include on each report card the 15880

percentage of teachers in the district or building who are highly 15881  
qualified, as defined by the "No Child Left Behind Act of 2001," 15882  
and a comparison of that percentage with the percentages of such 15883  
teachers in similar districts and buildings. 15884

(8) The department shall include on the report card the 15885  
number of master teachers employed by each district and each 15886  
building once the data is available from the education management 15887  
information system established under section 3301.0714 of the 15888  
Revised Code. 15889

(D)(1) In calculating reading, writing, mathematics, social 15890  
studies, or science proficiency or achievement test passage rates 15891  
used to determine school district or building performance under 15892  
this section, the department shall include all students taking a 15893  
test with accommodation or to whom an alternate assessment is 15894  
administered pursuant to division (C)(1) or (3) of section 15895  
3301.0711 of the Revised Code. 15896

(2) In calculating performance index scores, rates of 15897  
achievement on the performance indicators established by the state 15898  
board under section 3302.02 of the Revised Code, and adequate 15899  
yearly progress for school districts and buildings under this 15900  
section, the department shall do all of the following: 15901

(a) Include for each district or building only those students 15902  
who are included in the ADM certified for the first full school 15903  
week of October and are continuously enrolled in the district or 15904  
building through the time of the spring administration of any test 15905  
prescribed by section 3301.0710 of the Revised Code that is 15906  
administered to the student's grade level; 15907

(b) Include cumulative totals from both the fall and spring 15908  
administrations of the third grade reading achievement test; 15909

(c) Except as required by the "No Child Left Behind Act of 15910  
2001" for the calculation of adequate yearly progress, exclude for 15911

each district or building any limited English proficient student 15912  
who has been enrolled in United States schools for less than one 15913  
full school year. 15914

**Sec. 3302.10.** (A) Beginning July 1, 2007, the superintendent 15915  
of public instruction ~~shall~~ may establish an academic distress 15916  
commission for ~~each~~ any school district that has been declared to 15917  
be in a state of academic emergency pursuant to section 3302.03 of 15918  
the Revised Code and has failed to make adequate yearly progress 15919  
for four or more consecutive school years. Each commission shall 15920  
assist the district for which it was established in improving the 15921  
district's academic performance. 15922

Each commission is a body both corporate and politic, 15923  
constituting an agency and instrumentality of the state and 15924  
performing essential governmental functions of the state. A 15925  
commission shall be known as the "academic distress commission for 15926  
..... (name of school district)," and, in that name, may 15927  
exercise all authority vested in such a commission by this 15928  
section. A separate commission shall be established for each 15929  
school district designated by the superintendent of public 15930  
instruction. 15931

(B) Each academic distress commission shall consist of five 15932  
voting members, three of whom shall be appointed by the 15933  
superintendent of public instruction and two of whom shall be 15934  
residents of the applicable school district appointed by the 15935  
president of the district board of education ~~of the applicable~~ 15936  
~~school district.~~ When a school district becomes subject to this 15937  
section, the superintendent of public instruction shall provide 15938  
written notification of that fact to the district board of 15939  
education and shall request the president of the district board to 15940  
submit to the superintendent of public instruction, in writing, 15941  
the names of the president's appointees to the commission. The 15942



superintendent of public instruction and the president of the 15943  
district board shall make appointments to the commission within 15944  
thirty days after the district is notified that it is subject to 15945  
this section. 15946

Members of the commission shall serve at the pleasure of 15947  
their appointing authority during the life of the commission. In 15948  
the event of the death, resignation, incapacity, removal, or 15949  
ineligibility to serve of a member, the appointing authority shall 15950  
appoint a successor within fifteen days after the vacancy occurs. 15951  
Members shall serve without compensation, but shall be paid by the 15952  
commission their necessary and actual expenses incurred while 15953  
engaged in the business of the commission. 15954

(C) Immediately after appointment of the initial members of 15955  
an academic distress commission, the superintendent of public 15956  
instruction shall call the first meeting of the commission and 15957  
shall cause written notice of the time, date, and place of that 15958  
meeting to be given to each member of the commission at least 15959  
forty-eight hours in advance of the meeting. The first meeting 15960  
shall include an overview of the commission's roles and 15961  
responsibilities, the requirements of section 2921.42 and Chapter 15962  
102. of the Revised Code as they pertain to commission members, 15963  
the requirements of section 121.22 of the Revised Code, and the 15964  
provisions of division (F) of this section. At its first meeting, 15965  
the commission shall adopt temporary bylaws in accordance with 15966  
division (D) of this section to govern its operations until the 15967  
adoption of permanent bylaws. 15968

The superintendent of public instruction shall designate a 15969  
chairperson for the commission from among the members appointed by 15970  
the superintendent. The chairperson shall call and conduct 15971  
meetings, set meeting agendas, and serve as a liaison between the 15972  
commission and the district board of education. The chairperson 15973  
also shall appoint a secretary, who shall not be a member of the 15974

commission. 15975

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. 15976  
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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. 15980  
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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 and are not disqualified from exercising the functions of the other office with respect to the school district, its officers, or the commission. 15985  
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(F) The members of an academic distress commission, the superintendent of public instruction, and any person authorized to act on behalf of or assist them shall not be personally liable or subject to any suit, judgment, or claim for damages resulting from the exercise of or failure to exercise the powers, duties, and functions granted to them in regard to their functioning under this section, but the commission, superintendent of public instruction, and such other persons shall be subject to mandamus proceedings to compel performance of their duties under this section. 15996  
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(G) The members of an academic distress commission are not 16006  
subject to section 102.02 of the Revised Code, except that a 16007  
member who is subject to that section by virtue of holding another 16008  
office or position shall comply with that section with respect to 16009  
that other office or position. However, each member of the 16010  
commission shall file with the Ohio ethics commission a signed 16011  
written statement setting forth the general nature of sales of 16012  
goods, property, or services or of loans to the applicable school 16013  
district, in which the commission member has a pecuniary interest 16014  
or in which any member of the commission member's immediate 16015  
family, as defined in section 102.01 of the Revised Code, or any 16016  
corporation, partnership, or enterprise of which the commission 16017  
member is an officer, director, or partner, or of which the 16018  
commission member or a member of the commission member's immediate 16019  
family owns more than a five per cent interest, has a pecuniary 16020  
interest, and of which sale, loan, or interest the commission 16021  
member has knowledge. The statement shall be supplemented from 16022  
time to time to reflect changes in the general nature of any such 16023  
sales or loans. 16024

(H) Meetings of each academic distress commission shall be 16025  
subject to section 121.22 of the Revised Code. 16026

(I)(1) Within one hundred twenty days after the first meeting 16027  
of an academic distress commission, the commission shall adopt an 16028  
academic recovery plan to improve academic performance in the 16029  
school district. The plan shall address academic problems at both 16030  
the district and school levels. The plan shall include the 16031  
following: 16032

(a) Short-term and long-term actions to be taken to improve 16033  
the district's academic performance, including any actions 16034  
required by section 3302.04 of the Revised Code; 16035

(b) The sequence and timing of the actions described in 16036  
division (I)(1)(a) of this section and the persons responsible for 16037

<u>implementing the actions;</u>	16038
<u>(c) Resources that will be applied toward improvement efforts;</u>	16039 16040
<u>(d) Procedures for monitoring and evaluating improvement efforts;</u>	16041 16042
<u>(e) Requirements for reporting to the commission and the district board of education on the status of improvement efforts.</u>	16043 16044
<u>(2) The commission may amend the academic recovery plan subsequent to adoption. The commission shall update the plan at least annually.</u>	16045 16046 16047
<u>(3) The commission shall submit the academic recovery plan it adopts or updates to the superintendent of public instruction for approval immediately following its adoption or updating. The superintendent shall evaluate the plan and either approve or disapprove it within thirty days after its submission. If the plan is disapproved, the superintendent shall recommend modifications that will render it acceptable. No academic distress commission shall implement an academic recovery plan unless the superintendent has approved it.</u>	16048 16049 16050 16051 16052 16053 16054 16055 16056
<u>(4) County, state, and school district officers and employees shall assist the commission diligently and promptly in the implementation of the academic recovery plan.</u>	16057 16058 16059
<u>(J) Each academic distress commission shall seek input from the district board of education regarding ways to improve the district's academic performance, but any decision of the commission related to any authority granted to the commission under this section shall be final.</u>	16060 16061 16062 16063 16064
The commission may do any of the following:	16065
<u>(1) Appoint school building administrators and reassign administrative personnel;</u>	16066 16067

(2) Terminate the contracts of administrators or administrative personnel. The commission shall not be required to comply with section 3319.16 of the Revised Code with respect to any contract terminated under this division.

(3) Contract with a private entity to perform school or district management functions;

(4) Establish a budget for the district and approve district appropriations and expenditures, unless a financial planning and supervision commission has been established for the district pursuant to section 3316.05 of the Revised Code.

~~(D)~~(K) 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 16100  
prescribed in division (A) of this section at the time the 16101  
district entered into that agreement. 16102

~~(E)~~(L) An academic distress commission shall cease to exist 16103  
when the district for which it was established receives a 16104  
performance rating under section 3302.03 of the Revised Code of in 16105  
need of continuous improvement or better for two ~~out~~ of the three 16106  
prior school years; however, the superintendent of public 16107  
instruction may dissolve the commission earlier if the 16108  
superintendent determines that the district can perform adequately 16109  
without the supervision of the commission. Upon termination of the 16110  
commission, the department of education shall compile a final 16111  
report of the commission's activities to assist other academic 16112  
distress commissions in the conduct of their functions. 16113

Sec. 3310.51. As used in sections 3310.51 to 3310.63 of the 16114  
Revised Code: 16115

(A) "Alternative public provider" means either of the 16116  
following providers that agrees to enroll a child in the 16117  
provider's special education program to implement the child's 16118  
individualized education program and to which the eligible 16119  
applicant owes fees for the services provided to the child: 16120

(1) A school district that is not the school district in 16121  
which the child is entitled to attend school or the child's school 16122  
district of residence, if different; 16123

(2) A public entity other than a school district. 16124

(B) "Applicable special education weight" means the multiple 16125  
specified in section 3317.013 of the Revised Code for a handicap 16126  
described in that section. 16127

(C) "Category one through six special education ADM" means 16128  
the respective categories prescribed in divisions (F)(1) to (6) of 16129

section 3317.02 of the Revised Code. 16130

(D) "Eligible applicant" means any of the following: 16131

(1) Either of the natural or adoptive parents of a qualified special education child, except as otherwise specified in this division. When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment, or when the natural or adoptive parents of the student are living separate and apart under a legal separation decree, and a court has issued an order allocating the parental rights and responsibilities with respect to the child, "eligible applicant" means the residential parent as designated by the court. If the court issues a shared parenting decree, "eligible applicant" means either parent. "Eligible applicant" does not mean a parent whose custodial rights have been terminated. 16132  
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(2) The custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency; 16144  
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(3) The guardian of a qualified special education child, when a court has appointed a guardian for the child; 16148  
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(4) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a caregiver authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code; 16150  
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(5) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code; 16156  
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(6) A qualified special education child, if the child does not have a custodian or guardian and the child is at least 16159  
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eighteen years of age. 16161

(E) "Entitled to attend school" means entitled to attend school in a school district under sections 3313.64 and 3313.65 of the Revised Code. 16162  
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(F) "Formula ADM" and "formula amount" have the same meanings as in section 3317.02 of the Revised Code. 16165  
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(G) "Handicapped child," "individualized education program," and "special education program" have the same meanings as in section 3323.01 of the Revised Code. 16167  
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(H) "Qualified special education child" is a child for whom all of the following conditions apply: 16170  
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(1) The child is at least five years of age and less than twenty-two years of age; 16172  
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(2) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has identified the child as a handicapped child; 16174  
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(3) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has developed an individualized education program under Chapter 3323. of the Revised Code for the child; 16177  
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(4) The child either: 16181

(a) Was enrolled in the schools of the school district in which the child is entitled to attend school in any grade from kindergarten through twelve in the school year prior to the school year in which a scholarship is first sought for the child; 16182  
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(b) Is eligible to enter school in any grade kindergarten through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship is first sought for the child. 16186  
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(I) "Registered private provider" means a nonpublic school or 16190



other nonpublic entity that has been registered by the 16191  
superintendent of public instruction under section 3310.58 of the 16192  
Revised Code. 16193

(J) "Scholarship" means a scholarship awarded under the 16194  
special education scholarship pilot program pursuant to sections 16195  
3310.51 to 3310.63 of the Revised Code. 16196

(K) "School district of residence" has the same meaning as in 16197  
section 3323.01 of the Revised Code. A community school 16198  
established under Chapter 3314. of the Revised Code is not a 16199  
"school district of residence" for purposes of sections 3310.51 to 16200  
3310.63 of the Revised Code. 16201

(L) "School year" has the same meaning as in section 3313.62 16202  
of the Revised Code. 16203

**Sec. 3310.52.** (A) The special education scholarship pilot 16204  
program is hereby established. Under the program, in fiscal years 16205  
2008 through 2013, subject to division (B) of this section, the 16206  
department of education annually shall pay a scholarship to an 16207  
alternative public provider or a registered private provider on 16208  
behalf of an eligible applicant for services provided for a 16209  
qualified special education child. The scholarship shall be used 16210  
only to pay all or part of the fees for the child to attend the 16211  
special education program operated by the alternative public 16212  
provider or registered private provider to implement the child's 16213  
individualized education program in lieu of the child's attending 16214  
the special education program operated by the school district in 16215  
which the child is entitled to attend school. 16216

(B) The number of scholarships awarded under the pilot 16217  
program in any fiscal year shall not exceed three per cent of the 16218  
total number of students residing in the state identified as 16219  
handicapped children during the previous fiscal year. 16220

Sec. 3310.53. (A) Except for development of the child's 16221  
individualized education program, as specified in division (B) of 16222  
this section, the school district in which a qualified special 16223  
education child is entitled to attend school and the child's 16224  
school district of residence, if different, are not obligated to 16225  
provide the child with a free appropriate public education under 16226  
Chapter 3323. of the Revised Code for as long as the child 16227  
continues to attend the special education program operated by 16228  
either an alternative public provider or a registered private 16229  
provider for which a scholarship is awarded under the special 16230  
education scholarship pilot program. If at any time, the eligible 16231  
applicant for the child decides no longer to accept scholarship 16232  
payments and enrolls the child in the special education program of 16233  
the school district in which the child is entitled to attend 16234  
school, that district shall provide the child with a free 16235  
appropriate public education under Chapter 3323. of the Revised 16236  
Code. 16237

(B) Each eligible applicant and each qualified special 16238  
education child have a continuing right to the development of an 16239  
individualized education program for the child that complies with 16240  
Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and 16241  
administrative rules or guidelines adopted by the Ohio department 16242  
of education or the United States department of education. The 16243  
school district in which a qualified special education child is 16244  
entitled to attend school, or the child's school district of 16245  
residence if different, shall develop each individualized 16246  
education program for the child in accordance with those 16247  
provisions. 16248

(C) Each school district shall notify an eligible applicant 16249  
of the applicant's and qualified special education child's rights 16250  
under sections 3310.51 to 3310.63 of the Revised Code by providing 16251  
to each eligible applicant the comparison document prescribed in 16252

section 3323.052 of the Revised Code. An eligible applicant's receipt of that document, as acknowledged in a format prescribed by the department of education, shall constitute notice that the eligible applicant has been informed of those rights. Upon receipt of that document, subsequent acceptance of a scholarship constitutes the eligible applicant's informed consent to the provisions of sections 3310.51 to 3310.63 of the Revised Code.

Sec. 3310.54. As prescribed in divisions (A)(2)(h), (B)(3)(g), and (B)(5) to (10) of section 3317.03 of the Revised Code, a qualified special education child in any of grades kindergarten through twelve for whom a scholarship is awarded under the special education scholarship pilot program shall be counted in the formula ADM and category one through six special education ADM, as appropriate, of the school district in which the child is entitled to attend school. A qualified special education child shall not be counted in the formula ADM or category one through six special education ADM of any other school district.

Sec. 3310.55. The department of education shall deduct from the amounts paid to each school district under Chapter 3317. of the Revised Code, and, if necessary, sections 321.24 and 323.156 of the Revised Code, the aggregate amount of scholarships paid under section 3310.57 of the Revised Code for qualified special education children included in the formula ADM and the category one through six special education ADM of that school district.

Sec. 3310.56. The amount of the scholarship awarded and paid on behalf of an eligible applicant for services for a qualified special education child under the special education scholarship pilot program in each school year shall be the lesser of the following:

(A) The amount of fees charged for that school year by the

alternative public provider or registered private provider; 16283

(B) The sum of the amounts calculated under divisions (B)(1) 16284

and (2) of this section: 16285

(1) The sum of the formula amount plus the per pupil amount 16286

of the base funding supplements specified in divisions (C)(1) to 16287

(4) of section 3317.012 of the Revised Code. 16288

(2) The formula amount times the applicable special education 16289

weight for the child's disability. 16290

**Sec. 3310.57.** The department of education shall make periodic 16291

payments to an alternative public provider or a registered private 16292

provider on behalf of an eligible applicant for services for each 16293

qualified special education child for whom a scholarship has been 16294

awarded. The total of all payments made on behalf of an applicant 16295

in each school year shall not exceed the amount calculated for the 16296

child under section 3310.56 of the Revised Code. 16297

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The scholarship amount shall be proportionately reduced in 16299

the case of a child who is not enrolled in the special education 16300

program of an alternative public provider or a registered private 16301

provider for the entire school year. 16302

In accordance with division (A) of section 3310.62 of the 16303

Revised Code, the department shall make no payments on behalf of 16304

an applicant for a first-time scholarship for a qualified special 16305

education child while any administrative or judicial mediation or 16306

proceedings with respect to the content of the child's 16307

individualized education program are pending. 16308

**Sec. 3310.58.** No nonpublic school or entity shall receive 16309

payments for services for a qualified special education child 16310

under the special education scholarship pilot program until the 16311

school or entity registers with the superintendent of public 16312

instruction. The superintendent shall register and designate as a 16313  
registered private provider any nonpublic school or entity that 16314  
meets the following requirements: 16315

(A) The special education program operated by the school or 16316  
entity meets the minimum education standards established by the 16317  
state board of education. 16318

(B) The school or entity does not discriminate on the basis 16319  
of race, ethnicity, national origin, religion, sex, disability, 16320  
age, or ancestry. 16321

(C) If the school or entity is not chartered by the state 16322  
board under section 3301.16 of the Revised Code, the school or 16323  
entity agrees to comply with section 3319.39 of the Revised Code 16324  
as if it were a school district. 16325

(D) The teaching and nonteaching professionals employed by 16326  
the school or entity, or employed by any subcontractors of the 16327  
school or entity, hold credentials determined by the state board 16328  
to be appropriate for the qualified special education children 16329  
enrolled in the special education program it operates. 16330

(E) The school or entity meets applicable health and safety 16331  
standards established by law for school buildings. 16332

(F) The school or entity agrees to retain on file 16333  
documentation as required by the department of education. 16334

(G) The school or entity demonstrates fiscal soundness to the 16335  
satisfaction of the department. 16336

(H) The school or entity agrees to meet other requirements 16337  
established by rule of the state board under section 3310.63 of 16338  
the Revised Code. 16339

**Sec. 3310.59.** The superintendent of public instruction shall 16340  
revoke the registration of any school or entity if, after a 16341  
hearing, the superintendent determines that the school or entity 16342

is in violation of any provision of section 3310.58 of the Revised Code. 16343  
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Sec. 3310.60. A qualified special education child attending a special education program at an alternative public provider or a registered private provider with a scholarship shall be entitled to transportation to and from that program in the manner prescribed by law for any handicapped child attending a nonpublic special education program. 16345  
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Sec. 3310.61. An eligible applicant on behalf of a child who currently attends a public special education program under a contract, compact, or other bilateral agreement, or on behalf of a child who currently attends a community school, shall not be prohibited from applying for and accepting a scholarship so that the applicant may withdraw the child from that program or community school and use the scholarship for the child to attend a special education program operated by an alternative public provider or a registered private provider. 16351  
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Sec. 3310.62. (A) A scholarship under the special education scholarship pilot program shall not be awarded for the first time to an eligible applicant on behalf of a qualified special education child while the child's individualized education program is being developed by the school district in which the child is entitled to attend school, or by the child's school district of residence if different, or while any administrative or judicial mediation or proceedings with respect to the content of that individualized education program are pending. 16360  
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(B) Development of individualized education programs subsequent to the one developed for the child the first time a scholarship was awarded on behalf of the child and the prosecuting, by the eligible applicant on behalf of the child, of 16369  
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administrative or judicial mediation or proceedings with respect 16373  
to any of those subsequent individualized education programs do 16374  
not affect the applicant's and the child's continued eligibility 16375  
for scholarship payments. 16376

(C) In the case of any child for whom a scholarship has been 16377  
awarded, if the school district in which the child is entitled to 16378  
attend school has agreed to provide some services for the child 16379  
under an agreement entered into with the eligible applicant or 16380  
with the alternative public provider or registered private 16381  
provider implementing the child's individualized education 16382  
program, or if the district is required by law to provide some 16383  
services for the child, including transportation services under 16384  
sections 3310.60 and 3327.01 of the Revised Code, the district 16385  
shall not discontinue the services it is providing pending 16386  
completion of any administrative proceedings regarding those 16387  
services. The prosecuting, by the eligible applicant on behalf of 16388  
the child, of administrative proceedings regarding the services 16389  
provided by the district does not affect the applicant's and the 16390  
child's continued eligibility for scholarship payments. 16391

(D) The department of education shall continue to make 16392  
payments to the alternative public provider or registered private 16393  
provider on behalf of the eligible applicant under section 3310.57 16394  
of the Revised Code while either of the following are pending: 16395

(1) Administrative or judicial mediation or proceedings with 16396  
respect to a subsequent individualized education program for the 16397  
child referred to in division (B) of this section; 16398

(2) Administrative proceedings regarding services provided by 16399  
the district under division (C) of this section. 16400

**Sec. 3310.63.** The state board of education shall adopt rules 16401  
in accordance with Chapter 119. of the Revised Code prescribing 16402  
procedures necessary to implement sections 3310.51 to 3310.62 of 16403

the Revised Code including, but not limited to, procedures and 16404  
deadlines for parents to apply for scholarships, standards for 16405  
registered private providers, and procedures for registration of 16406  
private providers. 16407

**Sec. 3311.24.** (A)(1) Except as provided in division (B) of 16408  
this section, ~~if~~ the board of education of a city, exempted 16409  
village, or local school district ~~deems it advisable~~ shall file 16410  
with the state board of education a proposal to transfer territory 16411  
from such district to an adjoining city, exempted village, or 16412  
local school district, ~~or if a~~ in any of the following 16413  
circumstances: 16414

(a) The district board deems the transfer advisable; 16415

(b) A petition, signed by seventy-five per cent of the 16416  
qualified electors residing within that portion of a city, 16417  
exempted village, or local school district proposed to be 16418  
transferred voting at the last general election, requests such a 16419  
transfer, ~~the;~~ 16420

(c) If no qualified electors reside in that portion of the 16421  
district proposed to be transferred, a petition, signed by 16422  
seventy-five per cent of the owners of parcels of real property on 16423  
the tax duplicate within that portion of the district, requests 16424  
such a transfer. 16425

(2) The board of education of the district in which such 16426  
proposal originates shall file such proposal, together with a map 16427  
showing the boundaries of the territory proposed to be 16428  
transferred, with the state board of education prior to the first 16429  
day of April in any even-numbered year. The state board of 16430  
education may, if it is advisable, provide for a hearing in any 16431  
suitable place in any of the school districts affected by such 16432  
proposed transfer of territory. The state board of education or 16433  
its representatives shall preside at any such hearing. 16434



(3) A board of education of a city, exempted village, or local school district that receives a petition of transfer signed by electors of the district under ~~this~~ division (A)(1)(b) of this section shall cause the board of elections to check the sufficiency of signatures on the petition. A board of education of a city, exempted village, or local school district that receives a petition of transfer signed by owners of parcels of real property under division (A)(1)(c) of this section shall cause the county auditor to check the sufficiency of signatures on the petition.

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

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

~~(1)~~(a) A resolution accepting the transfer has been passed by a majority vote of the full membership of the board of education of the city, exempted village, or local school district to which the territory is transferred;

~~(2)~~(b) An equitable division of the funds and indebtedness between the districts involved has been made by the board of education making the transfer;

~~(3)~~(c) A map showing the boundaries of the territory transferred has been filed, by the board of education accepting the transfer, with the county auditor of each county affected by the transfer.

When such transfer is complete the legal title of the school property in the territory transferred shall be vested in the board of education or governing board of the school district to which the territory is transferred.

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

(1) A resolution requesting approval of the transfer, passed by the school district submitting the proposal;

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

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

Negotiations held pursuant to this section shall be governed by the rules adopted by the state board under division (D) of section 3311.06 of the Revised Code. Districts involved in a transfer under division (B) of this section may agree to share revenues from the property included in the territory to be transferred, establish cooperative programs between the

participating districts, and establish mechanisms for the 16497  
settlement of any future boundary disputes. 16498

**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), 16499  
(F), and (G) of this section, when a board of education decides to 16500  
dispose of real or personal property that it owns in its corporate 16501  
capacity and that exceeds in value ten thousand dollars, it shall 16502  
sell the property at public auction, after giving at least thirty 16503  
days' notice of the auction by publication in a newspaper of 16504  
general circulation or by posting notices in five of the most 16505  
public places in the school district in which the property, if it 16506  
is real property, is situated, or, if it is personal property, in 16507  
the school district of the board of education that owns the 16508  
property. The board may offer real property for sale as an entire 16509  
tract or in parcels. 16510

(B) When the board of education has offered real or personal 16511  
property for sale at public auction at least once pursuant to 16512  
division (A) of this section, and the property has not been sold, 16513  
the board may sell it at a private sale. Regardless of how it was 16514  
offered at public auction, at a private sale, the board shall, as 16515  
it considers best, sell real property as an entire tract or in 16516  
parcels, and personal property in a single lot or in several lots. 16517

(C) If a board of education decides to dispose of real or 16518  
personal property that it owns in its corporate capacity and that 16519  
exceeds in value ten thousand dollars, it may sell the property to 16520  
the adjutant general; to any subdivision or taxing authority as 16521  
respectively defined in divisions (A) and (C) of section 5705.01 16522  
of the Revised Code, township park district, board of park 16523  
commissioners established under Chapter 755. of the Revised Code, 16524  
or park district established under Chapter 1545. of the Revised 16525  
Code; to a wholly or partially tax-supported university, 16526  
university branch, or college; or to the board of trustees of a 16527

school district library, upon such terms as are agreed upon. The 16528  
sale of real or personal property to the board of trustees of a 16529  
school district library is limited, in the case of real property, 16530  
to a school district library within whose boundaries the real 16531  
property is situated, or, in the case of personal property, to a 16532  
school district library whose boundaries lie in whole or in part 16533  
within the school district of the selling board of education. 16534

(D) When a board of education decides to trade as a part or 16535  
an entire consideration, an item of personal property on the 16536  
purchase price of an item of similar personal property, it may 16537  
trade the same upon such terms as are agreed upon by the parties 16538  
to the trade. 16539

(E) The president and the treasurer of the board of education 16540  
shall execute and deliver deeds or other necessary instruments of 16541  
conveyance to complete any sale or trade under this section. 16542

(F) When a board of education has identified a parcel of real 16543  
property that it determines is needed for school purposes, the 16544  
board may, upon a majority vote of the members of the board, 16545  
acquire that property by exchanging real property that the board 16546  
owns in its corporate capacity for the identified real property or 16547  
by using real property that the board owns in its corporate 16548  
capacity as part or an entire consideration for the purchase price 16549  
of the identified real property. Any exchange or acquisition made 16550  
pursuant to this division shall be made by a conveyance executed 16551  
by the president and the treasurer of the board. 16552

(G)(1) When a school district board of education decides to 16553  
dispose of real property suitable for use as classroom space, 16554  
prior to disposing of that property under divisions (A) to (F) of 16555  
this section, it shall first offer that property for sale to the 16556  
governing authorities of the start-up community schools 16557  
established under Chapter 3314. of the Revised Code located within 16558  
the territory of the school district, at a price that is not 16559

higher than the appraised fair market value of that property. If 16560  
more than one community school governing authority accepts the 16561  
offer made by the school district board, the board shall sell the 16562  
property to the governing authority that accepted the offer first 16563  
in time. If no community school governing authority accepts the 16564  
offer within sixty days after the offer is made by the school 16565  
district board, the board may dispose of the property in the 16566  
applicable manner prescribed under divisions (A) to (F) of this 16567  
section. 16568

(2) When a school district board of education has not used 16569  
~~real property at least seventy-five per cent of a building~~ 16570  
suitable for classroom space for academic instruction, 16571  
~~administration, storage, or any other educational purpose for one~~ 16572  
~~full~~ at least seventy-five per cent of a school year and has not 16573  
adopted a resolution outlining a plan for using at least 16574  
seventy-five per cent of that property building for ~~any of those~~ 16575  
~~purposes within academic instruction for at least seventy-five per~~ 16576  
cent of the next three school years year, it shall offer that 16577  
~~property building~~ for sale to the governing authorities of the 16578  
start-up community schools established under Chapter 3314. of the 16579  
Revised Code located within the territory of the school district, 16580  
at a price that is not higher than the appraised fair market value 16581  
of that property. If more than one community school governing 16582  
authority accepts the offer made by the school district board, the 16583  
board shall sell the property to the governing authority that 16584  
accepted the offer first in time. 16585

(H) When a school district board of education has property 16586  
that the board, by resolution, finds is not needed for school 16587  
district use, is obsolete, or is unfit for the use for which it 16588  
was acquired, the board may donate that property in accordance 16589  
with this division if the fair market value of the property is, in 16590  
the opinion of the board, two thousand five hundred dollars or 16591

less. 16592

The property may be donated to an eligible nonprofit 16593  
organization that is located in this state and is exempt from 16594  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 16595  
Before donating any property under this division, the board shall 16596  
adopt a resolution expressing its intent to make unneeded, 16597  
obsolete, or unfit-for-use school district property available to 16598  
these organizations. The resolution shall include guidelines and 16599  
procedures the board considers to be necessary to implement the 16600  
donation program and shall indicate whether the school district 16601  
will conduct the donation program or the board will contract with 16602  
a representative to conduct it. If a representative is known when 16603  
the resolution is adopted, the resolution shall provide contact 16604  
information such as the representative's name, address, and 16605  
telephone number. 16606

The resolution shall include within its procedures a 16607  
requirement that any nonprofit organization desiring to obtain 16608  
donated property under this division shall submit a written notice 16609  
to the board or its representative. The written notice shall 16610  
include evidence that the organization is a nonprofit organization 16611  
that is located in this state and is exempt from federal income 16612  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 16613  
the organization's primary purpose; a description of the type or 16614  
types of property the organization needs; and the name, address, 16615  
and telephone number of a person designated by the organization's 16616  
governing board to receive donated property and to serve as its 16617  
agent. 16618

After adoption of the resolution, the board shall publish, in 16619  
a newspaper of general circulation in the school district, notice 16620  
of its intent to donate unneeded, obsolete, or unfit-for-use 16621  
school district property to eligible nonprofit organizations. The 16622  
notice shall include a summary of the information provided in the 16623

resolution and shall be published at least twice. The second and 16624  
any subsequent notice shall be published not less than ten nor 16625  
more than twenty days after the previous notice. A similar notice 16626  
also shall be posted continually in the board's office, and, if 16627  
the school district maintains a web site on the internet, the 16628  
notice shall be posted continually at that web site. 16629

The board or its representatives shall maintain a list of all 16630  
nonprofit organizations that notify the board or its 16631  
representative of their desire to obtain donated property under 16632  
this division and that the board or its representative determines 16633  
to be eligible, in accordance with the requirements set forth in 16634  
this section and in the donation program's guidelines and 16635  
procedures, to receive donated property. 16636

The board or its representative also shall maintain a list of 16637  
all school district property the board finds to be unneeded, 16638  
obsolete, or unfit for use and to be available for donation under 16639  
this division. The list shall be posted continually in a 16640  
conspicuous location in the board's office, and, if the school 16641  
district maintains a web site on the internet, the list shall be 16642  
posted continually at that web site. An item of property on the 16643  
list shall be donated to the eligible nonprofit organization that 16644  
first declares to the board or its representative its desire to 16645  
obtain the item unless the board previously has established, by 16646  
resolution, a list of eligible nonprofit organizations that shall 16647  
be given priority with respect to the item's donation. Priority 16648  
may be given on the basis that the purposes of a nonprofit 16649  
organization have a direct relationship to specific school 16650  
district purposes of programs provided or administered by the 16651  
board. A resolution giving priority to certain nonprofit 16652  
organizations with respect to the donation of an item of property 16653  
shall specify the reasons why the organizations are given that 16654  
priority. 16655

Members of the board shall consult with the Ohio ethics commission, and comply with Chapters 102. and 2921. of the Revised Code, with respect to any donation under this division to a nonprofit organization of which a board member, any member of a board member's family, or any business associate of a board member is a trustee, officer, board member, or employee.

**Sec. 3313.615.** This section shall apply to diplomas awarded after September 15, 2006, to students who are required to take the five Ohio graduation tests prescribed by division (B) of section 3301.0710 of the Revised Code.

(A) As an alternative to the requirement that a person attain the scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests required under that division in order to be eligible for a high school diploma or an honors diploma under sections 3313.61, 3313.612, or 3325.08 of the Revised Code or for a diploma of adult education under section 3313.611 of the Revised Code, a person who has attained at least the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all but one of the tests required by that division and from which the person was not excused or exempted, pursuant to division ~~(H)~~ or (L) of section 3313.61, division (B)(1) of section 3313.612, or section 3313.532 of the Revised Code, may be awarded a diploma or honors diploma if the person has satisfied all of the following conditions:

(1) On the one test required under division (B) of section 3301.0710 of the Revised Code for which the person failed to attain the designated score, the person missed that score by ten points or less;

(2) Has a ninety-seven per cent school attendance rate in each of the last four school years, excluding any excused absences;



(3) Has not been expelled from school under section 3313.66 16687  
of the Revised Code in any of the last four school years; 16688

(4) Has a grade point average of at least 2.5 out of 4.0, or 16689  
its equivalent as designated in rules adopted by the state board 16690  
of education, in the subject area of the test required under 16691  
division (B) of section 3301.0710 of the Revised Code for which 16692  
the person failed to attain the designated score; 16693

(5) Has completed the high school curriculum requirements 16694  
prescribed in section 3313.603 of the Revised Code or has 16695  
qualified under division (D) or (F) of that section; 16696

(6) Has taken advantage of any intervention programs provided 16697  
by the school district or school in the subject area described in 16698  
division (A)(4) of this section and has a ninety-seven per cent 16699  
attendance rate, excluding any excused absences, in any of those 16700  
programs that are provided at times beyond the normal school day, 16701  
school week, or school year or has received comparable 16702  
intervention services from a source other than the school district 16703  
or school; 16704

(7) Holds a letter recommending graduation from each of the 16705  
person's high school teachers in the subject area described in 16706  
division (A)(4) of this section and from the person's high school 16707  
principal. 16708

(B) The state board of education shall establish rules 16709  
designating grade point averages equivalent to the average 16710  
specified in division (A)(4) of this section for use by school 16711  
districts and schools with different grading systems. 16712

(C) Any student who is exempt from attaining the applicable 16713  
score designated under division (B) of section 3301.0710 of the 16714  
Revised Code on the Ohio graduation test in social studies 16715  
pursuant to division (H) of section 3313.61 or division (B)(2) of 16716  
section 3313.612 of the Revised Code shall not qualify for a high 16717

school diploma under this section, unless, notwithstanding the 16718  
exemption, the student attains the applicable score on that test. 16719  
If the student attains the applicable score on that test, the 16720  
student may qualify for a diploma under this section in the same 16721  
manner as any other student who is required to take the five Ohio 16722  
graduation tests prescribed by division (B) of section 3301.0710 16723  
of the Revised Code. 16724

**Sec. 3313.64.** (A) As used in this section and in section 16725  
3313.65 of the Revised Code: 16726

(1)(a) Except as provided in division (A)(1)(b) of this 16727  
section, "parent" means either parent, unless the parents are 16728  
separated or divorced or their marriage has been dissolved or 16729  
annulled, in which case "parent" means the parent who is the 16730  
residential parent and legal custodian of the child. When a child 16731  
is in the legal custody of a government agency or a person other 16732  
than the child's natural or adoptive parent, "parent" means the 16733  
parent with residual parental rights, privileges, and 16734  
responsibilities. When a child is in the permanent custody of a 16735  
government agency or a person other than the child's natural or 16736  
adoptive parent, "parent" means the parent who was divested of 16737  
parental rights and responsibilities for the care of the child and 16738  
the right to have the child live with the parent and be the legal 16739  
custodian of the child and all residual parental rights, 16740  
privileges, and responsibilities. 16741

(b) When a child is the subject of a power of attorney 16742  
executed under sections 3109.51 to 3109.62 of the Revised Code, 16743  
"parent" means the grandparent designated as attorney in fact 16744  
under the power of attorney. When a child is the subject of a 16745  
caretaker authorization affidavit executed under sections 3109.64 16746  
to 3109.73 of the Revised Code, "parent" means the grandparent 16747  
that executed the affidavit. 16748

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;

(c) Comparable agencies of other states or countries that

have complied with applicable requirements of section 2151.39, or 16779  
sections 5103.20 to 5103.22 of the Revised Code. 16780

(6) A child is placed for adoption if either of the following 16781  
occurs: 16782

(a) An agency to which the child has been permanently 16783  
committed or surrendered enters into an agreement with a person 16784  
pursuant to section 5103.16 of the Revised Code for the care and 16785  
adoption of the child. 16786

(b) The child's natural parent places the child pursuant to 16787  
section 5103.16 of the Revised Code with a person who will care 16788  
for and adopt the child. 16789

(7) "Handicapped preschool child" means a handicapped child, 16790  
as defined by division (A) of section 3323.01 of the Revised Code, 16791  
who is at least three years of age but is not of compulsory school 16792  
age, as defined in section 3321.01 of the Revised Code, and who is 16793  
not currently enrolled in kindergarten. 16794

(8) "Child," unless otherwise indicated, includes handicapped 16795  
preschool children. 16796

(9) "Active duty" means active duty pursuant to an executive 16797  
order of the president of the United States, an act of the 16798  
congress of the United States, or section 5919.29 or 5923.21 of 16799  
the Revised Code. 16800

(B) Except as otherwise provided in section 3321.01 of the 16801  
Revised Code for admittance to kindergarten and first grade, a 16802  
child who is at least five but under twenty-two years of age and 16803  
any handicapped preschool child shall be admitted to school as 16804  
provided in this division. 16805

(1) A child shall be admitted to the schools of the school 16806  
district in which the child's parent resides. 16807

(2) A child who does not reside in the district where the 16808

child's parent resides shall be admitted to the schools of the 16809  
district in which the child resides if any of the following 16810  
applies: 16811

(a) The child is in the legal or permanent custody of a 16812  
government agency or a person other than the child's natural or 16813  
adoptive parent. 16814

(b) The child resides in a home. 16815

(c) The child requires special education. 16816

(3) A child who is not entitled under division (B)(2) of this 16817  
section to be admitted to the schools of the district where the 16818  
child resides and who is residing with a resident of this state 16819  
with whom the child has been placed for adoption shall be admitted 16820  
to the schools of the district where the child resides unless 16821  
either of the following applies: 16822

(a) The placement for adoption has been terminated. 16823

(b) Another school district is required to admit the child 16824  
under division (B)(1) of this section. 16825

Division (B) of this section does not prohibit the board of 16826  
education of a school district from placing a handicapped child 16827  
who resides in the district in a special education program outside 16828  
of the district or its schools in compliance with Chapter 3323. of 16829  
the Revised Code. 16830

(C) A district shall not charge tuition for children admitted 16831  
under division (B)(1) or (3) of this section. If the district 16832  
admits a child under division (B)(2) of this section, tuition 16833  
shall be paid to the district that admits the child as follows: 16834

(1) If the child receives special education in accordance 16835  
with Chapter 3323. of the Revised Code, the school district of 16836  
residence, as defined in section 3323.01 of the Revised Code, 16837  
shall pay tuition for the child in accordance with section 16838

3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 16839  
regardless of who has custody of the child or whether the child 16840  
resides in a home. 16841

(2) For a child that does not receive special education in 16842  
accordance with Chapter 3323. of the Revised Code, except as 16843  
otherwise provided in division (C)(2)(d) of this section, if the 16844  
child is in the permanent or legal custody of a government agency 16845  
or person other than the child's parent, tuition shall be paid by: 16846

(a) The district in which the child's parent resided at the 16847  
time the court removed the child from home or at the time the 16848  
court vested legal or permanent custody of the child in the person 16849  
or government agency, whichever occurred first; 16850

(b) If the parent's residence at the time the court removed 16851  
the child from home or placed the child in the legal or permanent 16852  
custody of the person or government agency is unknown, tuition 16853  
shall be paid by the district in which the child resided at the 16854  
time the child was removed from home or placed in legal or 16855  
permanent custody, whichever occurred first; 16856

(c) If a school district cannot be established under division 16857  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 16858  
district determined as required by section 2151.362 of the Revised 16859  
Code by the court at the time it vests custody of the child in the 16860  
person or government agency; 16861

(d) If at the time the court removed the child from home or 16862  
vested legal or permanent custody of the child in the person or 16863  
government agency, whichever occurred first, one parent was in a 16864  
residential or correctional facility or a juvenile residential 16865  
placement and the other parent, if living and not in such a 16866  
facility or placement, was not known to reside in this state, 16867  
tuition shall be paid by the district determined under division 16868  
(D) of section 3313.65 of the Revised Code as the district 16869

required to pay any tuition while the parent was in such facility 16870  
or placement; 16871

(e) If the ~~court has modified its order as to which district~~ 16872  
department of education has determined, pursuant to division 16873  
(A)(2) of section 2151.362 of the Revised Code, that a school 16874  
district other than the one named in the court's initial order, or 16875  
in a prior determination of the department, is responsible to bear 16876  
the cost of educating the child ~~pursuant to division (A)(2) of~~ 16877  
~~section 2151.362 of the Revised Code,~~ the district so determined 16878  
~~to shall~~ be responsible for that cost ~~in the order so modified.~~ 16879

(3) If the child is not in the permanent or legal custody of 16880  
a government agency or person other than the child's parent and 16881  
the child resides in a home, tuition shall be paid by one of the 16882  
following: 16883

(a) The school district in which the child's parent resides; 16884

(b) If the child's parent is not a resident of this state, 16885  
the home in which the child resides. 16886

(D) Tuition required to be paid under divisions (C)(2) and 16887  
(3)(a) of this section shall be computed in accordance with 16888  
section 3317.08 of the Revised Code. Tuition required to be paid 16889  
under division (C)(3)(b) of this section shall be computed in 16890  
accordance with section 3317.081 of the Revised Code. If a home 16891  
fails to pay the tuition required by division (C)(3)(b) of this 16892  
section, the board of education providing the education may 16893  
recover in a civil action the tuition and the expenses incurred in 16894  
prosecuting the action, including court costs and reasonable 16895  
attorney's fees. If the prosecuting attorney or city director of 16896  
law represents the board in such action, costs and reasonable 16897  
attorney's fees awarded by the court, based upon the prosecuting 16898  
attorney's, director's, or one of their designee's time spent 16899  
preparing and presenting the case, shall be deposited in the 16900

county or city general fund. 16901

(E) A board of education may enroll a child free of any 16902  
tuition obligation for a period not to exceed sixty days, on the 16903  
sworn statement of an adult resident of the district that the 16904  
resident has initiated legal proceedings for custody of the child. 16905

(F) In the case of any individual entitled to attend school 16906  
under this division, no tuition shall be charged by the school 16907  
district of attendance and no other school district shall be 16908  
required to pay tuition for the individual's attendance. 16909  
Notwithstanding division (B), (C), or (E) of this section: 16910

(1) All persons at least eighteen but under twenty-two years 16911  
of age who live apart from their parents, support themselves by 16912  
their own labor, and have not successfully completed the high 16913  
school curriculum or the individualized education program 16914  
developed for the person by the high school pursuant to section 16915  
3323.08 of the Revised Code, are entitled to attend school in the 16916  
district in which they reside. 16917

(2) Any child under eighteen years of age who is married is 16918  
entitled to attend school in the child's district of residence. 16919

(3) A child is entitled to attend school in the district in 16920  
which either of the child's parents is employed if the child has a 16921  
medical condition that may require emergency medical attention. 16922  
The parent of a child entitled to attend school under division 16923  
(F)(3) of this section shall submit to the board of education of 16924  
the district in which the parent is employed a statement from the 16925  
child's physician certifying that the child's medical condition 16926  
may require emergency medical attention. The statement shall be 16927  
supported by such other evidence as the board may require. 16928

(4) Any child residing with a person other than the child's 16929  
parent is entitled, for a period not to exceed twelve months, to 16930  
attend school in the district in which that person resides if the 16931



child's parent files an affidavit with the superintendent of the 16932  
district in which the person with whom the child is living resides 16933  
stating all of the following: 16934

(a) That the parent is serving outside of the state in the 16935  
armed services of the United States; 16936

(b) That the parent intends to reside in the district upon 16937  
returning to this state; 16938

(c) The name and address of the person with whom the child is 16939  
living while the parent is outside the state. 16940

(5) Any child under the age of twenty-two years who, after 16941  
the death of a parent, resides in a school district other than the 16942  
district in which the child attended school at the time of the 16943  
parent's death is entitled to continue to attend school in the 16944  
district in which the child attended school at the time of the 16945  
parent's death for the remainder of the school year, subject to 16946  
approval of that district board. 16947

(6) A child under the age of twenty-two years who resides 16948  
with a parent who is having a new house built in a school district 16949  
outside the district where the parent is residing is entitled to 16950  
attend school for a period of time in the district where the new 16951  
house is being built. In order to be entitled to such attendance, 16952  
the parent shall provide the district superintendent with the 16953  
following: 16954

(a) A sworn statement explaining the situation, revealing the 16955  
location of the house being built, and stating the parent's 16956  
intention to reside there upon its completion; 16957

(b) A statement from the builder confirming that a new house 16958  
is being built for the parent and that the house is at the 16959  
location indicated in the parent's statement. 16960

(7) A child under the age of twenty-two years residing with a 16961

parent who has a contract to purchase a house in a school district 16962  
outside the district where the parent is residing and who is 16963  
waiting upon the date of closing of the mortgage loan for the 16964  
purchase of such house is entitled to attend school for a period 16965  
of time in the district where the house is being purchased. In 16966  
order to be entitled to such attendance, the parent shall provide 16967  
the district superintendent with the following: 16968

(a) A sworn statement explaining the situation, revealing the 16969  
location of the house being purchased, and stating the parent's 16970  
intent to reside there; 16971

(b) A statement from a real estate broker or bank officer 16972  
confirming that the parent has a contract to purchase the house, 16973  
that the parent is waiting upon the date of closing of the 16974  
mortgage loan, and that the house is at the location indicated in 16975  
the parent's statement. 16976

The district superintendent shall establish a period of time 16977  
not to exceed ninety days during which the child entitled to 16978  
attend school under division (F)(6) or (7) of this section may 16979  
attend without tuition obligation. A student attending a school 16980  
under division (F)(6) or (7) of this section shall be eligible to 16981  
participate in interscholastic athletics under the auspices of 16982  
that school, provided the board of education of the school 16983  
district where the student's parent resides, by a formal action, 16984  
releases the student to participate in interscholastic athletics 16985  
at the school where the student is attending, and provided the 16986  
student receives any authorization required by a public agency or 16987  
private organization of which the school district is a member 16988  
exercising authority over interscholastic sports. 16989

(8) A child whose parent is a full-time employee of a city, 16990  
local, or exempted village school district, or of an educational 16991  
service center, may be admitted to the schools of the district 16992  
where the child's parent is employed, or in the case of a child 16993

whose parent is employed by an educational service center, in the 16994  
district that serves the location where the parent's job is 16995  
primarily located, provided the district board of education 16996  
establishes such an admission policy by resolution adopted by a 16997  
majority of its members. Any such policy shall take effect on the 16998  
first day of the school year and the effective date of any 16999  
amendment or repeal may not be prior to the first day of the 17000  
subsequent school year. The policy shall be uniformly applied to 17001  
all such children and shall provide for the admission of any such 17002  
child upon request of the parent. No child may be admitted under 17003  
this policy after the first day of classes of any school year. 17004

(9) A child who is with the child's parent under the care of 17005  
a shelter for victims of domestic violence, as defined in section 17006  
3113.33 of the Revised Code, is entitled to attend school free in 17007  
the district in which the child is with the child's parent, and no 17008  
other school district shall be required to pay tuition for the 17009  
child's attendance in that school district. 17010

The enrollment of a child in a school district under this 17011  
division shall not be denied due to a delay in the school 17012  
district's receipt of any records required under section 3313.672 17013  
of the Revised Code or any other records required for enrollment. 17014  
Any days of attendance and any credits earned by a child while 17015  
enrolled in a school district under this division shall be 17016  
transferred to and accepted by any school district in which the 17017  
child subsequently enrolls. The state board of education shall 17018  
adopt rules to ensure compliance with this division. 17019

(10) Any child under the age of twenty-two years whose parent 17020  
has moved out of the school district after the commencement of 17021  
classes in the child's senior year of high school is entitled, 17022  
subject to the approval of that district board, to attend school 17023  
in the district in which the child attended school at the time of 17024  
the parental move for the remainder of the school year and for one 17025

additional semester or equivalent term. A district board may also 17026  
adopt a policy specifying extenuating circumstances under which a 17027  
student may continue to attend school under division (F)(10) of 17028  
this section for an additional period of time in order to 17029  
successfully complete the high school curriculum for the 17030  
individualized education program developed for the student by the 17031  
high school pursuant to section 3323.08 of the Revised Code. 17032

(11) As used in this division, "grandparent" means a parent 17033  
of a parent of a child. A child under the age of twenty-two years 17034  
who is in the custody of the child's parent, resides with a 17035  
grandparent, and does not require special education is entitled to 17036  
attend the schools of the district in which the child's 17037  
grandparent resides, provided that, prior to such attendance in 17038  
any school year, the board of education of the school district in 17039  
which the child's grandparent resides and the board of education 17040  
of the school district in which the child's parent resides enter 17041  
into a written agreement specifying that good cause exists for 17042  
such attendance, describing the nature of this good cause, and 17043  
consenting to such attendance. 17044

In lieu of a consent form signed by a parent, a board of 17045  
education may request the grandparent of a child attending school 17046  
in the district in which the grandparent resides pursuant to 17047  
division (F)(11) of this section to complete any consent form 17048  
required by the district, including any authorization required by 17049  
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 17050  
Code. Upon request, the grandparent shall complete any consent 17051  
form required by the district. A school district shall not incur 17052  
any liability solely because of its receipt of a consent form from 17053  
a grandparent in lieu of a parent. 17054

Division (F)(11) of this section does not create, and shall 17055  
not be construed as creating, a new cause of action or substantive 17056  
legal right against a school district, a member of a board of 17057

education, or an employee of a school district. This section does 17058  
not affect, and shall not be construed as affecting, any 17059  
immunities from defenses to tort liability created or recognized 17060  
by Chapter 2744. of the Revised Code for a school district, 17061  
member, or employee. 17062

(12) A child under the age of twenty-two years is entitled to 17063  
attend school in a school district other than the district in 17064  
which the child is entitled to attend school under division (B), 17065  
(C), or (E) of this section provided that, prior to such 17066  
attendance in any school year, both of the following occur: 17067

(a) The superintendent of the district in which the child is 17068  
entitled to attend school under division (B), (C), or (E) of this 17069  
section contacts the superintendent of another district for 17070  
purposes of this division; 17071

(b) The superintendents of both districts enter into a 17072  
written agreement that consents to the attendance and specifies 17073  
that the purpose of such attendance is to protect the student's 17074  
physical or mental well-being or to deal with other extenuating 17075  
circumstances deemed appropriate by the superintendents. 17076

While an agreement is in effect under this division for a 17077  
student who is not receiving special education under Chapter 3323. 17078  
of the Revised Code and notwithstanding Chapter 3327. of the 17079  
Revised Code, the board of education of neither school district 17080  
involved in the agreement is required to provide transportation 17081  
for the student to and from the school where the student attends. 17082

A student attending a school of a district pursuant to this 17083  
division shall be allowed to participate in all student 17084  
activities, including interscholastic athletics, at the school 17085  
where the student is attending on the same basis as any student 17086  
who has always attended the schools of that district while of 17087  
compulsory school age. 17088

(13) All school districts shall comply with the 17089  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 17090  
seq., for the education of homeless children. Each city, local, 17091  
and exempted village school district shall comply with the 17092  
requirements of that act governing the provision of a free, 17093  
appropriate public education, including public preschool, to each 17094  
homeless child. 17095

When a child loses permanent housing and becomes a homeless 17096  
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 17097  
such a homeless person changes temporary living arrangements, the 17098  
child's parent or guardian shall have the option of enrolling the 17099  
child in either of the following: 17100

(a) The child's school of origin, as defined in 42 U.S.C.A. 17101  
11432(g)(3)(C); 17102

(b) The school that is operated by the school district in 17103  
which the shelter where the child currently resides is located and 17104  
that serves the geographic area in which the shelter is located. 17105

(14) A child under the age of twenty-two years who resides 17106  
with a person other than the child's parent is entitled to attend 17107  
school in the school district in which that person resides if both 17108  
of the following apply: 17109

(a) That person has been appointed, through a military power 17110  
of attorney executed under section 574(a) of the "National Defense 17111  
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 17112  
U.S.C. 1044b, or through a comparable document necessary to 17113  
complete a family care plan, as the parent's agent for the care, 17114  
custody, and control of the child while the parent is on active 17115  
duty as a member of the national guard or a reserve unit of the 17116  
armed forces of the United States or because the parent is a 17117  
member of the armed forces of the United States and is on a duty 17118  
assignment away from the parent's residence. 17119

(b) The military power of attorney or comparable document 17120  
includes at least the authority to enroll the child in school. 17121

The entitlement to attend school in the district in which the 17122  
parent's agent under the military power of attorney or comparable 17123  
document resides applies until the end of the school year in which 17124  
the military power of attorney or comparable document expires. 17125

(G) A board of education, after approving admission, may 17126  
waive tuition for students who will temporarily reside in the 17127  
district and who are either of the following: 17128

(1) Residents or domiciliaries of a foreign nation who 17129  
request admission as foreign exchange students; 17130

(2) Residents or domiciliaries of the United States but not 17131  
of Ohio who request admission as participants in an exchange 17132  
program operated by a student exchange organization. 17133

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 17134  
3327.04, and 3327.06 of the Revised Code, a child may attend 17135  
school or participate in a special education program in a school 17136  
district other than in the district where the child is entitled to 17137  
attend school under division (B) of this section. 17138

(I)(1) Notwithstanding anything to the contrary in this 17139  
section or section 3313.65 of the Revised Code, a child under 17140  
twenty-two years of age may attend school in the school district 17141  
in which the child, at the end of the first full week of October 17142  
of the school year, was entitled to attend school as otherwise 17143  
provided under this section or section 3313.65 of the Revised 17144  
Code, if at that time the child was enrolled in the schools of the 17145  
district but since that time the child or the child's parent has 17146  
relocated to a new address located outside of that school district 17147  
and within the same county as the child's or parent's address 17148  
immediately prior to the relocation. The child may continue to 17149  
attend school in the district, and at the school to which the 17150

child was assigned at the end of the first full week of October of 17151  
the current school year, for the balance of the school year. 17152  
Division (I)(1) of this section applies only if both of the 17153  
following conditions are satisfied: 17154

(a) The board of education of the school district in which 17155  
the child was entitled to attend school at the end of the first 17156  
full week in October and of the district to which the child or 17157  
child's parent has relocated each has adopted a policy to enroll 17158  
children described in division (I)(1) of this section. 17159

(b) The child's parent provides written notification of the 17160  
relocation outside of the school district to the superintendent of 17161  
each of the two school districts. 17162

(2) At the beginning of the school year following the school 17163  
year in which the child or the child's parent relocated outside of 17164  
the school district as described in division (I)(1) of this 17165  
section, the child is not entitled to attend school in the school 17166  
district under that division. 17167

(3) Any person or entity owing tuition to the school district 17168  
on behalf of the child at the end of the first full week in 17169  
October, as provided in division (C) of this section, shall 17170  
continue to owe such tuition to the district for the child's 17171  
attendance under division (I)(1) of this section for the lesser of 17172  
the balance of the school year or the balance of the time that the 17173  
child attends school in the district under division (I)(1) of this 17174  
section. 17175

(4) A pupil who may attend school in the district under 17176  
division (I)(1) of this section shall be entitled to 17177  
transportation services pursuant to an agreement between the 17178  
district and the district in which the child or child's parent has 17179  
relocated unless the districts have not entered into such 17180  
agreement, in which case the child shall be entitled to 17181



transportation services in the same manner as a pupil attending 17182  
school in the district under interdistrict open enrollment as 17183  
described in division (H) of section 3313.981 of the Revised Code, 17184  
regardless of whether the district has adopted an open enrollment 17185  
policy as described in division (B)(1)(b) or (c) of section 17186  
3313.98 of the Revised Code. 17187

(J) This division does not apply to a child receiving special 17188  
education. 17189

A school district required to pay tuition pursuant to 17190  
division (C)(2) or (3) of this section or section 3313.65 of the 17191  
Revised Code shall have an amount deducted under division (F) of 17192  
section 3317.023 of the Revised Code equal to its own tuition rate 17193  
for the same period of attendance. A school district entitled to 17194  
receive tuition pursuant to division (C)(2) or (3) of this section 17195  
or section 3313.65 of the Revised Code shall have an amount 17196  
credited under division (F) of section 3317.023 of the Revised 17197  
Code equal to its own tuition rate for the same period of 17198  
attendance. If the tuition rate credited to the district of 17199  
attendance exceeds the rate deducted from the district required to 17200  
pay tuition, the department of education shall pay the district of 17201  
attendance the difference from amounts deducted from all 17202  
districts' payments under division (F) of section 3317.023 of the 17203  
Revised Code but not credited to other school districts under such 17204  
division and from appropriations made for such purpose. The 17205  
treasurer of each school district shall, by the fifteenth day of 17206  
January and July, furnish the superintendent of public instruction 17207  
a report of the names of each child who attended the district's 17208  
schools under divisions (C)(2) and (3) of this section or section 17209  
3313.65 of the Revised Code during the preceding six calendar 17210  
months, the duration of the attendance of those children, the 17211  
school district responsible for tuition on behalf of the child, 17212  
and any other information that the superintendent requires. 17213

Upon receipt of the report the superintendent, pursuant to 17214  
division (F) of section 3317.023 of the Revised Code, shall deduct 17215  
each district's tuition obligations under divisions (C)(2) and (3) 17216  
of this section or section 3313.65 of the Revised Code and pay to 17217  
the district of attendance that amount plus any amount required to 17218  
be paid by the state. 17219

(K) In the event of a disagreement, the superintendent of 17220  
public instruction shall determine the school district in which 17221  
the parent resides. 17222

(L) Nothing in this section requires or authorizes, or shall 17223  
be construed to require or authorize, the admission to a public 17224  
school in this state of a pupil who has been permanently excluded 17225  
from public school attendance by the superintendent of public 17226  
instruction pursuant to sections 3301.121 and 3313.662 of the 17227  
Revised Code. 17228

(M) In accordance with division (B)(1) of this section, a 17229  
child whose parent is a member of the national guard or a reserve 17230  
unit of the armed forces of the United States and is called to 17231  
active duty, or a child whose parent is a member of the armed 17232  
forces of the United States and is ordered to a temporary duty 17233  
assignment outside of the district, may continue to attend school 17234  
in the district in which the child's parent lived before being 17235  
called to active duty or ordered to a temporary duty assignment 17236  
outside of the district, as long as the child's parent continues 17237  
to be a resident of that district, and regardless of where the 17238  
child lives as a result of the parent's active duty status or 17239  
temporary duty assignment. However, the district is not 17240  
responsible for providing transportation for the child if the 17241  
child lives outside of the district as a result of the parent's 17242  
active duty status or temporary duty assignment. 17243

**Sec. 3313.646.** (A) The board of education of a school 17244

district, except a cooperative education district established 17245  
pursuant to section 3311.521 of the Revised Code, may establish 17246  
and operate a preschool program ~~except that no such program shall~~ 17247  
~~be established after March 17, 1989, unless both of the following~~ 17248  
~~apply at the time the program is established.~~ 17249

~~(1) The, provided the~~ board has demonstrated a need for the 17250  
program. 17251

~~(2) Unless it is a cooperative education district established~~ 17252  
~~pursuant to divisions (A) to (C) of section 3311.52 of the Revised~~ 17253  
~~Code, the school district is eligible for moneys distributed by~~ 17254  
~~the department of education pursuant to section 3317.029 of the~~ 17255  
Revised Code. A board may use school funds in support of preschool 17256  
programs. The board shall maintain, operate, and admit children to 17257  
any such program pursuant to rules adopted by such board and the 17258  
rules of the state board of education adopted under sections 17259  
3301.52 to 3301.57 of the Revised Code. 17260

A board of education may establish fees or tuition, which may 17261  
be graduated in proportion to family income, for participation in 17262  
a preschool program. In cases where payment of fees or tuition 17263  
would create a hardship for the child's parent or guardian, the 17264  
board may waive any such fees or tuition. 17265

(B) No board of education that is not receiving funds under 17266  
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 17267  
March 17, 1989, shall compete for funds under the "Head Start Act" 17268  
with any grantee receiving funds under that act. 17269

(C) A board of education may contract with any of the 17270  
following preschool providers to provide preschool programs, other 17271  
than programs for units described by divisions (B) and (C) of 17272  
section 3317.05 of the Revised Code, for children of the school 17273  
district: 17274

(1) Any organization receiving funds under the "Head Start 17275

Act";	17276
(2) Any nonsectarian eligible nonpublic school as defined in division (H) of section 3301.52 of the Revised Code;	17277 17278
(3) Any child care provider licensed under Chapter 5104. of the Revised Code.	17279 17280
Boards may contract to provide preschool programs only with such organizations whose staff meet the requirements of rules adopted under section 3301.53 of the Revised Code or those of the child development associate credential established by the national association for the education of young children.	17281 17282 17283 17284 17285
(D) A contract entered into under division (C) of this 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.	17286 17287 17288 17289
(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 <del>he</del> <u>the treasurer</u> would any other funds of the district pursuant to this chapter.	17290 17291 17292 17293 17294
<b>Sec. 3313.66.</b> (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	17295 17296 17297 17298 17299 17300 17301 17302 17303 17304 17305

rise to the suspension takes place, the superintendent may apply 17306  
any remaining part or all of the period of the suspension to the 17307  
following school year. Except in the case of a pupil given an 17308  
in-school suspension, no pupil shall be suspended unless prior to 17309  
the suspension such superintendent or principal does both of the 17310  
following: 17311

(1) Gives the pupil written notice of the intention to 17312  
suspend the pupil and the reasons for the intended suspension and, 17313  
if the proposed suspension is based on a violation listed in 17314  
division (A) of section 3313.662 of the Revised Code and if the 17315  
pupil is sixteen years of age or older, includes in the notice a 17316  
statement that the superintendent may seek to permanently exclude 17317  
the pupil if the pupil is convicted of or adjudicated a delinquent 17318  
child for that violation; 17319

(2) Provides the pupil an opportunity to appear at an 17320  
informal hearing before the principal, assistant principal, 17321  
superintendent, or superintendent's designee and challenge the 17322  
reason for the intended suspension or otherwise to explain the 17323  
pupil's actions. 17324

(B)(1) Except as provided under division (B)(2), (3), or (4) 17325  
of this section, the superintendent of schools of a city, exempted 17326  
village, or local school district may expel a pupil from school 17327  
for a period not to exceed the greater of eighty school days or 17328  
the number of school days remaining in the semester or term in 17329  
which the incident that gives rise to the expulsion takes place, 17330  
unless the expulsion is extended pursuant to division (F) of this 17331  
section. If at the time an expulsion is imposed there are fewer 17332  
than eighty school days remaining in the school year in which the 17333  
incident that gives rise to the expulsion takes place, the 17334  
superintendent may apply any remaining part or all of the period 17335  
of the expulsion to the following school year. 17336

(2)(a) Unless a pupil is permanently excluded pursuant to 17337

section 3313.662 of the Revised Code, the superintendent of 17338  
schools of a city, exempted village, or local school district 17339  
shall expel a pupil from school for a period of one year for 17340  
bringing a firearm to a school operated by the board of education 17341  
of the district or onto any other property owned or controlled by 17342  
the board, except that the superintendent may reduce this 17343  
requirement on a case-by-case basis in accordance with the policy 17344  
adopted by the board under section 3313.661 of the Revised Code. 17345

(b) The superintendent of schools of a city, exempted 17346  
village, or local school district may expel a pupil from school 17347  
for a period of one year for bringing a firearm to an 17348  
interscholastic competition, an extracurricular event, or any 17349  
other school program or activity that is not located in a school 17350  
or on property that is owned or controlled by the district. The 17351  
superintendent may reduce this disciplinary action on a 17352  
case-by-case basis in accordance with the policy adopted by the 17353  
board under section 3313.661 of the Revised Code. 17354

(c) Any expulsion pursuant to division (B)(2) of this section 17355  
shall extend, as necessary, into the school year following the 17356  
school year in which the incident that gives rise to the expulsion 17357  
takes place. As used in this division, "firearm" has the same 17358  
meaning as provided pursuant to the "Gun-Free Schools Act of 17359  
1994," ~~108~~ 115 Stat. ~~270~~ 1762, 20 U.S.C. ~~8001(a)(2)~~ 7151. 17360

(3) The board of education of a city, exempted village, or 17361  
local school district may adopt a resolution authorizing the 17362  
superintendent of schools to expel a pupil from school for a 17363  
period not to exceed one year for bringing a knife to a school 17364  
operated by the board, onto any other property owned or controlled 17365  
by the board, or to an interscholastic competition, an 17366  
extracurricular event, or any other program or activity sponsored 17367  
by the school district or in which the district is a participant, 17368  
or for possessing a firearm or knife at a school, on any other 17369

property owned or controlled by the board, or at an 17370  
interscholastic competition, an extracurricular event, or any 17371  
other school program or activity, which firearm or knife was 17372  
initially brought onto school board property by another person. 17373  
The resolution may authorize the superintendent to extend such an 17374  
expulsion, as necessary, into the school year following the school 17375  
year in which the incident that gives rise to the expulsion takes 17376  
place. 17377

(4) The board of education of a city, exempted village, or 17378  
local school district may adopt a resolution establishing a policy 17379  
under section 3313.661 of the Revised Code that authorizes the 17380  
superintendent of schools to expel a pupil from school for a 17381  
period not to exceed one year for committing an act that is a 17382  
criminal offense when committed by an adult and that results in 17383  
serious physical harm to persons as defined in division (A)(5) of 17384  
section 2901.01 of the Revised Code or serious physical harm to 17385  
property as defined in division (A)(6) of section 2901.01 of the 17386  
Revised Code while the pupil is at school, on any other property 17387  
owned or controlled by the board, or at an interscholastic 17388  
competition, an extracurricular event, or any other school program 17389  
or activity. Any expulsion under this division shall extend, as 17390  
necessary, into the school year following the school year in which 17391  
the incident that gives rise to the expulsion takes place. 17392

(5) The board of education of any city, exempted village, or 17393  
local school district may adopt a resolution establishing a policy 17394  
under section 3313.661 of the Revised Code that authorizes the 17395  
superintendent of schools to expel a pupil from school for a 17396  
period not to exceed one year for making a bomb threat to a school 17397  
building or to any premises at which a school activity is 17398  
occurring at the time of the threat. Any expulsion under this 17399  
division shall extend, as necessary, into the school year 17400  
following the school year in which the incident that gives rise to 17401

the expulsion takes place. 17402

(6) No pupil shall be expelled under division (B)(1), (2), 17403  
(3), (4), or (5) of this section unless, prior to the pupil's 17404  
expulsion, the superintendent does both of the following: 17405

(a) Gives the pupil and the pupil's parent, guardian, or 17406  
custodian written notice of the intention to expel the pupil; 17407

(b) Provides the pupil and the pupil's parent, guardian, 17408  
custodian, or representative an opportunity to appear in person 17409  
before the superintendent or the superintendent's designee to 17410  
challenge the reasons for the intended expulsion or otherwise to 17411  
explain the pupil's actions. 17412

The notice required in this division shall include the 17413  
reasons for the intended expulsion, notification of the 17414  
opportunity of the pupil and the pupil's parent, guardian, 17415  
custodian, or representative to appear before the superintendent 17416  
or the superintendent's designee to challenge the reasons for the 17417  
intended expulsion or otherwise to explain the pupil's action, and 17418  
notification of the time and place to appear. The time to appear 17419  
shall not be earlier than three nor later than five school days 17420  
after the notice is given, unless the superintendent grants an 17421  
extension of time at the request of the pupil or the pupil's 17422  
parent, guardian, custodian, or representative. If an extension is 17423  
granted after giving the original notice, the superintendent shall 17424  
notify the pupil and the pupil's parent, guardian, custodian, or 17425  
representative of the new time and place to appear. If the 17426  
proposed expulsion is based on a violation listed in division (A) 17427  
of section 3313.662 of the Revised Code and if the pupil is 17428  
sixteen years of age or older, the notice shall include a 17429  
statement that the superintendent may seek to permanently exclude 17430  
the pupil if the pupil is convicted of or adjudicated a delinquent 17431  
child for that violation. 17432



(7) A superintendent of schools of a city, exempted village, 17433  
or local school district shall initiate expulsion proceedings 17434  
pursuant to this section with respect to any pupil who has 17435  
committed an act warranting expulsion under the district's policy 17436  
regarding expulsion even if the pupil has withdrawn from school 17437  
for any reason after the incident that gives rise to the hearing 17438  
but prior to the hearing or decision to impose the expulsion. If, 17439  
following the hearing, the pupil would have been expelled for a 17440  
period of time had the pupil still been enrolled in the school, 17441  
the expulsion shall be imposed for the same length of time as on a 17442  
pupil who has not withdrawn from the school. 17443

(C) If a pupil's presence poses a continuing danger to 17444  
persons or property or an ongoing threat of disrupting the 17445  
academic process taking place either within a classroom or 17446  
elsewhere on the school premises, the superintendent or a 17447  
principal or assistant principal may remove a pupil from 17448  
curricular activities or from the school premises, and a teacher 17449  
may remove a pupil from curricular activities under the teacher's 17450  
supervision, without the notice and hearing requirements of 17451  
division (A) or (B) of this section. As soon as practicable after 17452  
making such a removal, the teacher shall submit in writing to the 17453  
principal the reasons for such removal. 17454

If a pupil is removed under this division from a curricular 17455  
activity or from the school premises, written notice of the 17456  
hearing and of the reason for the removal shall be given to the 17457  
pupil as soon as practicable prior to the hearing, which shall be 17458  
held within three school days from the time the initial removal is 17459  
ordered. The hearing shall be held in accordance with division (A) 17460  
of this section unless it is probable that the pupil may be 17461  
subject to expulsion, in which case a hearing in accordance with 17462  
division (B) of this section shall be held, except that the 17463  
hearing shall be held within three school days of the initial 17464

removal. The individual who ordered, caused, or requested the removal to be made shall be present at the hearing.

If the superintendent or the principal reinstates a pupil in a curricular activity under the teacher's supervision prior to the hearing following a removal under this division, the teacher, upon request, shall be given in writing the reasons for such reinstatement.

(D) The superintendent or principal, within one school day after the time of a pupil's expulsion or suspension, shall notify in writing the parent, guardian, or custodian of the pupil and the treasurer of the board of education of the expulsion or suspension. The notice shall include the reasons for the expulsion or suspension, notification of the right of the pupil or the pupil's parent, guardian, or custodian to appeal the expulsion or suspension to the board of education or to its designee, to be represented in all appeal proceedings, to be granted a hearing before the board or its designee in order to be heard against the suspension or expulsion, and to request that the hearing be held in executive session, notification that the expulsion may be subject to extension pursuant to division (F) of this section if the pupil is sixteen years of age or older, and notification that the superintendent may seek the pupil's permanent exclusion if the suspension or expulsion was based on a violation listed in division (A) of section 3313.662 of the Revised Code that was committed when the child was sixteen years of age or older and if the pupil is convicted of or adjudicated a delinquent child for that violation.

In accordance with the policy adopted by the board of education under section 3313.661 of the Revised Code, the notice provided under this division shall specify the manner and date by which the pupil or the pupil's parent, guardian, or custodian shall notify the board of the pupil's, parent's, guardian's, or

custodian's intent to appeal the expulsion or suspension to the 17497  
board or its designee. 17498

Any superintendent expelling a pupil under this section for 17499  
more than twenty school days or for any period of time if the 17500  
expulsion will extend into the following semester or school year 17501  
shall, in the notice required under this division, provide the 17502  
pupil and the pupil's parent, guardian, or custodian with 17503  
information about services or programs offered by public and 17504  
private agencies that work toward improving those aspects of the 17505  
pupil's attitudes and behavior that contributed to the incident 17506  
that gave rise to the pupil's expulsion. The information shall 17507  
include the names, addresses, and phone numbers of the appropriate 17508  
public and private agencies. 17509

(E) A pupil or the pupil's parent, guardian, or custodian may 17510  
appeal the pupil's expulsion by a superintendent or suspension by 17511  
a superintendent, principal, assistant principal, or other 17512  
administrator to the board of education or to its designee. If the 17513  
pupil or the pupil's parent, guardian, or custodian intends to 17514  
appeal the expulsion or suspension to the board or its designee, 17515  
the pupil or the pupil's parent, guardian, or custodian shall 17516  
notify the board in the manner and by the date specified in the 17517  
notice provided under division (D) of this section. The pupil or 17518  
the pupil's parent, guardian, or custodian may be represented in 17519  
all appeal proceedings and shall be granted a hearing before the 17520  
board or its designee in order to be heard against the suspension 17521  
or expulsion. At the request of the pupil or of the pupil's 17522  
parent, guardian, custodian, or attorney, the board or its 17523  
designee may hold the hearing in executive session but shall act 17524  
upon the suspension or expulsion only at a public meeting. The 17525  
board, by a majority vote of its full membership or by the action 17526  
of its designee, may affirm the order of suspension or expulsion, 17527  
reinstate the pupil, or otherwise reverse, vacate, or modify the 17528

order of suspension or expulsion. 17529

The board or its designee shall make a verbatim record of 17530  
hearings held under this division. The decisions of the board or 17531  
its designee may be appealed under Chapter 2506. of the Revised 17532  
Code. 17533

This section shall not be construed to require notice and 17534  
hearing in accordance with division (A), (B), or (C) of this 17535  
section in the case of normal disciplinary procedures in which a 17536  
pupil is removed from a curricular activity for a period of less 17537  
than one school day and is not subject to suspension or expulsion. 17538

(F)(1) If a pupil is expelled pursuant to division (B) of 17539  
this section for committing any violation listed in division (A) 17540  
of section 3313.662 of the Revised Code and the pupil was sixteen 17541  
years of age or older at the time of committing the violation, if 17542  
a complaint, indictment, or information is filed alleging that the 17543  
pupil is a delinquent child based upon the commission of the 17544  
violation or the pupil is prosecuted as an adult for the 17545  
commission of the violation, and if the resultant juvenile court 17546  
or criminal proceeding is pending at the time that the expulsion 17547  
terminates, the superintendent of schools that expelled the pupil 17548  
may file a motion with the court in which the proceeding is 17549  
pending requesting an order extending the expulsion for the lesser 17550  
of an additional eighty days or the number of school days 17551  
remaining in the school year. Upon the filing of the motion, the 17552  
court immediately shall schedule a hearing and give written notice 17553  
of the time, date, and location of the hearing to the 17554  
superintendent and to the pupil and the pupil's parent, guardian, 17555  
or custodian. At the hearing, the court shall determine whether 17556  
there is reasonable cause to believe that the pupil committed the 17557  
alleged violation that is the basis of the expulsion and, upon 17558  
determining that reasonable cause to believe the pupil committed 17559  
the violation does exist, shall grant the requested extension. 17560

(2) If a pupil has been convicted of or adjudicated a delinquent child for a violation listed in division (A) of section 3313.662 of the Revised Code for an act that was committed when the child was sixteen years of age or older, if the pupil has been expelled pursuant to division (B) of this section for that violation, and if the board of education of the school district of the school from which the pupil was expelled has adopted a resolution seeking the pupil's permanent exclusion, the superintendent may file a motion with the court that convicted the pupil or adjudicated the pupil a delinquent child requesting an order to extend the expulsion until an adjudication order or other determination regarding permanent exclusion is issued by the superintendent of public instruction pursuant to section 3301.121 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 17593  
divisions (A) and (B) of this section by the board of education of 17594  
any city, exempted village, or local school district, this section 17595  
shall apply to any student, whether or not the student is enrolled 17596  
in the district, attending or otherwise participating in any 17597  
curricular program provided in a school operated by the board or 17598  
provided on any other property owned or controlled by the board. 17599

(I) Whenever a student is expelled under this section, the 17600  
expulsion shall result in removal of the student from the 17601  
student's regular school setting. However, during the period of 17602  
the expulsion, the board of education of the school district that 17603  
expelled the student or any board of education admitting the 17604  
student during that expulsion period may provide educational 17605  
services to the student in an alternative setting. 17606

(J)(1) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 17607  
and 3313.65 of the Revised Code, any school district, after 17608  
offering an opportunity for a hearing, may temporarily deny 17609  
admittance to any pupil if one of the following applies: 17610

(a) The pupil has been suspended from the schools of another 17611  
district under division (A) of this section and the period of 17612  
suspension, as established under that division, has not expired; 17613

(b) The pupil has been expelled from the schools of another 17614  
district under division (B) of this section and the period of the 17615  
expulsion, as established under that division or as extended under 17616  
division (F) of this section, has not expired. 17617

If a pupil is temporarily denied admission under this 17618  
division, the pupil shall be admitted to school in accordance with 17619  
sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised 17620  
Code no later than upon expiration of the suspension or expulsion 17621  
period, as applicable. 17622

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 17623

3313.65 of the Revised Code, any school district, after offering 17624  
an opportunity for a hearing, may temporarily deny admittance to 17625  
any pupil if the pupil has been expelled or otherwise removed for 17626  
disciplinary purposes from a public school in another state and 17627  
the period of expulsion or removal has not expired. If a pupil is 17628  
temporarily denied admission under this division, the pupil shall 17629  
be admitted to school in accordance with sections 3109.51 to 17630  
3109.80, 3313.64, or 3313.65 of the Revised Code no later than the 17631  
earlier of the following: 17632

(a) Upon expiration of the expulsion or removal period 17633  
imposed by the out-of-state school; 17634

(b) Upon expiration of a period established by the district, 17635  
beginning with the date of expulsion or removal from the 17636  
out-of-state school, that is no greater than the period of 17637  
expulsion that the pupil would have received under the policy 17638  
adopted by the district under section 3313.661 of the Revised Code 17639  
had the offense that gave rise to the expulsion or removal by the 17640  
out-of-state school been committed while the pupil was enrolled in 17641  
the district. 17642

(K) As used in this section: 17643

(1) "Permanently exclude" and "permanent exclusion" have the 17644  
same meanings as in section 3313.662 of the Revised Code. 17645

(2) "In-school suspension" means the pupil will serve all of 17646  
the suspension in a school setting. 17647

**Sec. 3313.661.** (A) The board of education of each city, 17648  
exempted village, and local school district shall adopt a policy 17649  
regarding suspension, expulsion, removal, and permanent exclusion 17650  
that specifies the types of misconduct for which a pupil may be 17651  
suspended, expelled, or removed. The types of misconduct may 17652  
include misconduct by a pupil that occurs off of property owned or 17653

controlled by the district but that is connected to activities or 17654  
incidents that have occurred on property owned or controlled by 17655  
that district and misconduct by a pupil that, regardless of where 17656  
it occurs, is directed at a district official or employee, or the 17657  
property of such official or employee. The policy shall specify 17658  
the reasons for which the superintendent of the district may 17659  
reduce the expulsion requirement in division (B)(2) of section 17660  
3313.66 of the Revised Code. If a board of education adopts a 17661  
resolution pursuant to division (B)(3) of section 3313.66 of the 17662  
Revised Code, the policy shall define the term "knife" or 17663  
"firearm," as applicable, for purposes of expulsion under that 17664  
resolution and shall specify any reasons for which the 17665  
superintendent of the district may reduce any required expulsion 17666  
period on a case-by-case basis. If a board of education adopts a 17667  
resolution pursuant to division (B)(4) or (5) of section 3313.66 17668  
of the Revised Code, the policy shall specify any reasons for 17669  
which the superintendent of the district may reduce any required 17670  
expulsion period on a case-by-case basis. The policy also shall 17671  
set forth the acts listed in section 3313.662 of the Revised Code 17672  
for which a pupil may be permanently excluded. 17673

The policy adopted under this division shall specify the date 17674  
and manner by which a pupil or a pupil's parent, guardian, or 17675  
custodian may notify the board of the pupil's, parent's, 17676  
guardian's, or custodian's intent to appeal an expulsion or 17677  
suspension to the board or its designee pursuant to division (E) 17678  
of section 3313.66 of the Revised Code. In the case of any 17679  
expulsion, the policy shall not specify a date that is less than 17680  
fourteen days after the date of the notice provided to the pupil 17681  
or the pupil's parent, guardian, or custodian under division (D) 17682  
of that section. 17683

A copy of the policy shall be posted in a central location in 17684  
the school and made available to pupils upon request. No pupil 17685



shall be suspended, expelled, or removed except in accordance with 17686  
the policy adopted by the board of education of the school 17687  
district in which the pupil attends school, and no pupil shall be 17688  
permanently excluded except in accordance with sections 3301.121 17689  
and 3313.662 of the Revised Code. 17690

(B) A board of education may establish a program and adopt 17691  
guidelines under which a superintendent may require a pupil to 17692  
perform community service in conjunction with a suspension or 17693  
expulsion imposed under section 3313.66 of the Revised Code or in 17694  
place of a suspension or expulsion imposed under section 3313.66 17695  
of the Revised Code except for an expulsion imposed pursuant to 17696  
division (B)(2) of that section. If a board adopts guidelines 17697  
under this division, they shall permit, except with regard to an 17698  
expulsion pursuant to division (B)(2) of section 3313.66 of the 17699  
Revised Code, a superintendent to impose a community service 17700  
requirement beyond the end of the school year in lieu of applying 17701  
the suspension or expulsion into the following school year. Any 17702  
guidelines adopted shall be included in the policy adopted under 17703  
this section. 17704

(C) The written policy of each board of education that is 17705  
adopted pursuant to section 3313.20 of the Revised Code shall be 17706  
posted in a central location in each school that is subject to the 17707  
policy and shall be made available to pupils upon request. 17708

(D) Any policy, program, or guideline adopted by a board of 17709  
education under this section with regard to suspensions or 17710  
expulsions pursuant to division (A) or (B) of section 3313.66 of 17711  
the Revised Code shall apply to any student, whether or not the 17712  
student is enrolled in the district, attending or otherwise 17713  
participating in any curricular program provided in a school 17714  
operated by the board or provided on any other property owned or 17715  
controlled by the board. 17716

(E) As used in this section, "permanently exclude" and 17717

"permanent exclusion" have the same meanings as in section 17718  
3313.662 of the Revised Code. 17719

**Sec. 3313.98.** Notwithstanding division (D) of section 3311.19 17720  
and division (D) of section 3311.52 of the Revised Code, the 17721  
provisions of this section and sections 3313.981 to 3313.983 of 17722  
the Revised Code that apply to a city school district do not apply 17723  
to a joint vocational or cooperative education school district 17724  
unless expressly specified. 17725

(A) As used in this section and sections 3313.981 to 3313.983 17726  
of the Revised Code: 17727

(1) "Parent" means either of the natural or adoptive parents 17728  
of a student, except under the following conditions: 17729

(a) When the marriage of the natural or adoptive parents of 17730  
the student has been terminated by a divorce, dissolution of 17731  
marriage, or annulment or the natural or adoptive parents of the 17732  
student are living separate and apart under a legal separation 17733  
decree and the court has issued an order allocating the parental 17734  
rights and responsibilities with respect to the student, "parent" 17735  
means the residential parent as designated by the court except 17736  
that "parent" means either parent when the court issues a shared 17737  
parenting decree. 17738

(b) When a court has granted temporary or permanent custody 17739  
of the student to an individual or agency other than either of the 17740  
natural or adoptive parents of the student, "parent" means the 17741  
legal custodian of the child. 17742

(c) When a court has appointed a guardian for the student, 17743  
"parent" means the guardian of the student. 17744

(2) "Native student" means a student entitled under section 17745  
3313.64 or 3313.65 of the Revised Code to attend school in a 17746  
district adopting a resolution under this section. 17747

(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.

(7) "Adjusted formula amount" means the ~~greater of the following:~~

~~(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;~~

~~(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 supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code.~~

(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.

(9) "IEP" means an individualized education program defined by division (E) of section 3323.01 of the Revised Code. 17779  
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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. 17781  
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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. 17784  
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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 which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code. 17787  
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(B)(1) The board of education of each city, local, and exempted village school district shall adopt a resolution establishing for the school district one of the following policies: 17793  
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(a) A policy that entirely prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code; 17797  
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(b) A policy that permits enrollment of students from all adjacent districts in accordance with policy statements contained in the resolution; 17801  
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(c) A policy that permits enrollment of students from all other districts in accordance with policy statements contained in the resolution. 17804  
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(2) A policy permitting enrollment of students from adjacent or from other districts, as applicable, shall provide for all of 17807  
17808

the following:	17809
(a) Application procedures, including deadlines for application and for notification of students and the superintendent of the applicable district whenever an adjacent or other district student's application is approved.	17810 17811 17812 17813
(b) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to:	17814 17815 17816
(i) The establishment of district capacity limits by grade level, school building, and education program;	17817 17818
(ii) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students previously enrolled in the district shall receive preference over first-time applicants;	17819 17820 17821 17822
(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.	17823 17824
(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include:	17825 17826 17827
(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	17828 17829
(2) Limitations on admitting applicants because of handicapping conditions, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools;	17830 17831 17832 17833 17834
(3) A requirement that the student be proficient in the English language;	17835 17836
(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant	17837 17838

has been suspended or expelled by the student's district for ten 17839  
consecutive days or more in the term for which admission is sought 17840  
or in the term immediately preceding the term for which admission 17841  
is sought, the procedures may include a provision denying 17842  
admission of such applicant. 17843

(D)(1) Each school board permitting only enrollment of 17844  
adjacent district students shall provide information about the 17845  
policy adopted under this section, including the application 17846  
procedures and deadlines, to the superintendent and the board of 17847  
education of each adjacent district and, upon request, to the 17848  
parent of any adjacent district student. 17849

(2) Each school board permitting enrollment of other district 17850  
students shall provide information about the policy adopted under 17851  
this section, including the application procedures and deadlines, 17852  
upon request, to the board of education of any other school 17853  
district or to the parent of any student anywhere in the state. 17854

(E) Any school board shall accept all credits toward 17855  
graduation earned in adjacent or other district schools by an 17856  
adjacent or other district student or a native student. 17857

(F)(1) No board of education may adopt a policy discouraging 17858  
or prohibiting its native students from applying to enroll in the 17859  
schools of an adjacent or any other district that has adopted a 17860  
policy permitting such enrollment, except that: 17861

(a) A district may object to the enrollment of a native 17862  
student in an adjacent or other district in order to maintain an 17863  
appropriate racial balance. 17864

(b) The board of education of a district receiving funds 17865  
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 17866  
may adopt a resolution objecting to the enrollment of its native 17867  
students in adjacent or other districts if at least ten per cent 17868  
of its students are included in the determination of the United 17869

States secretary of education made under section 20 U.S.C.A. 17870  
238(a). 17871

(2) If a board objects to enrollment of native students under 17872  
this division, any adjacent or other district shall refuse to 17873  
enroll such native students unless tuition is paid for the 17874  
students in accordance with section 3317.08 of the Revised Code. 17875  
An adjacent or other district enrolling such students may not 17876  
receive funding for those students in accordance with section 17877  
3313.981 of the Revised Code. 17878

(G) The state board of education shall monitor school 17879  
districts to ensure compliance with this section and the 17880  
districts' policies. The board may adopt rules requiring uniform 17881  
application procedures, deadlines for application, notification 17882  
procedures, and record-keeping requirements for all school boards 17883  
that adopt policies permitting the enrollment of adjacent or other 17884  
district students, as applicable. If the state board adopts such 17885  
rules, no school board shall adopt a policy that conflicts with 17886  
those rules. 17887

(H) A resolution adopted by a board of education under this 17888  
section that entirely prohibits the enrollment of students from 17889  
adjacent and from other school districts does not abrogate any 17890  
agreement entered into under section 3313.841 or 3313.92 of the 17891  
Revised Code or any contract entered into under section 3313.90 of 17892  
the Revised Code between the board of education adopting the 17893  
resolution and the board of education of any adjacent or other 17894  
district or prohibit these boards of education from entering into 17895  
any such agreement or contract. 17896

(I) Nothing in this section shall be construed to permit or 17897  
require the board of education of a city, exempted village, or 17898  
local school district to exclude any native student of the 17899  
district from enrolling in the district. 17900

**Sec. 3314.015.** (A) The department of education shall be 17901  
responsible for the oversight of sponsors of the community schools 17902  
established under this chapter and shall provide technical 17903  
assistance to schools and sponsors in their compliance with 17904  
applicable laws and the terms of the contracts entered into under 17905  
section 3314.03 of the Revised Code and in the development and 17906  
start-up activities of those schools. In carrying out its duties 17907  
under this section, the department shall do all of the following: 17908

(1) In providing technical assistance to proposing parties, 17909  
governing authorities, and sponsors, conduct training sessions and 17910  
distribute informational materials; 17911

(2) Approve entities to be sponsors of community schools and 17912  
monitor the effectiveness of those sponsors in their oversight of 17913  
the schools with which they have contracted; 17914

(3) By December thirty-first of each year, issue a report to 17915  
the governor, the speaker of the house of representatives, the 17916  
president of the senate, and the chairpersons of the house and 17917  
senate committees principally responsible for education matters 17918  
regarding the effectiveness of academic programs, operations, and 17919  
legal compliance and of the financial condition of all community 17920  
schools established under this chapter; 17921

(4) From time to time, make legislative recommendations to 17922  
the general assembly designed to enhance the operation and 17923  
performance of community schools. 17924

(B)(1) No entity listed in division (C)(1) of section 3314.02 17925  
of the Revised Code shall enter into a preliminary agreement under 17926  
division (C)(2) of section 3314.02 of the Revised Code until it 17927  
has received approval from the department of education to sponsor 17928  
community schools under this chapter and has entered into a 17929  
written agreement with the department regarding the manner in 17930  
which the entity will conduct such sponsorship. The department 17931



shall adopt in accordance with Chapter 119. of the Revised Code 17932  
rules containing criteria, procedures, and deadlines for 17933  
processing applications for such approval, for oversight of 17934  
sponsors, for revocation of the approval of sponsors, and for 17935  
entering into written agreements with sponsors. The rules shall 17936  
require an entity to submit evidence of the entity's ability and 17937  
willingness to comply with the provisions of division (D) of 17938  
section 3314.03 of the Revised Code. The rules also shall require 17939  
entities approved as sponsors on and after June 30, 2005, to 17940  
demonstrate a record of financial responsibility and successful 17941  
implementation of educational programs. If an entity seeking 17942  
approval on or after June 30, 2005, to sponsor community schools 17943  
in this state sponsors or operates schools in another state, at 17944  
least one of the schools sponsored or operated by the entity must 17945  
be comparable to or better than the performance of Ohio schools in 17946  
~~a state of academic watch~~ need of continuous improvement under 17947  
section 3302.03 of the Revised Code, as determined by the 17948  
department. 17949

An entity that sponsors community schools may enter into 17950  
preliminary agreements and sponsor schools as follows, provided 17951  
each school and the contract for sponsorship meets the 17952  
requirements of this chapter: 17953

(a) An entity that sponsored fifty or fewer schools that were 17954  
open for operation as of May 1, 2005, may sponsor not more than 17955  
fifty schools. 17956

(b) An entity that sponsored more than fifty but not more 17957  
than seventy-five schools that were open for operation as of May 17958  
1, 2005, may sponsor not more than the number of schools the 17959  
entity sponsored that were open for operation as of May 1, 2005. 17960

(c) Until June 30, 2006, an entity that sponsored more than 17961  
seventy-five schools that were open for operation as of May 1, 17962  
2005, may sponsor not more than the number of schools the entity 17963

sponsored that were open for operation as of May 1, 2005. After 17964  
June 30, 2006, such an entity may sponsor not more than 17965  
seventy-five schools. 17966

Upon approval of an entity to be a sponsor under this 17967  
division, the department shall notify the entity of the number of 17968  
schools the entity may sponsor. 17969

The limit imposed on an entity to which division (B)(1) of 17970  
this section applies shall be decreased by one for each school 17971  
sponsored by the entity that permanently closes. 17972

If at any time an entity exceeds the number of schools it may 17973  
sponsor under this division, the department shall assist the 17974  
schools in excess of the entity's limit in securing new sponsors. 17975  
If a school is unable to secure a new sponsor, the department 17976  
shall assume sponsorship of the school in accordance with division 17977  
(C) of this section. Those schools for which another sponsor or 17978  
the department assumes sponsorship shall be the schools that most 17979  
recently entered into contracts with the entity under section 17980  
3314.03 of the Revised Code. 17981

(2) The department of education shall determine, pursuant to 17982  
criteria adopted by rule of the department, whether the mission 17983  
proposed to be specified in the contract of a community school to 17984  
be sponsored by a state university board of trustees or the 17985  
board's designee under division (C)(1)(e) of section 3314.02 of 17986  
the Revised Code complies with the requirements of that division. 17987  
Such determination of the department is final. 17988

(3) The department of education shall determine, pursuant to 17989  
criteria adopted by rule of the department, if any tax-exempt 17990  
entity under section 501(c)(3) of the Internal Revenue Code that 17991  
is proposed to be a sponsor of a community school is an 17992  
education-oriented entity for purpose of satisfying the condition 17993  
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 17994

Revised Code. Such determination of the department is final. 17995

(C) If at any time the state board of education finds that a 17996  
sponsor is not in compliance or is no longer willing to comply 17997  
with its contract with any community school or with the 17998  
department's rules for sponsorship, the state board or designee 17999  
shall conduct a hearing in accordance with Chapter 119. of the 18000  
Revised Code on that matter. If after the hearing, the state board 18001  
or designee has confirmed the original finding, the department of 18002  
education may revoke the sponsor's approval to sponsor community 18003  
schools and may assume the sponsorship of any schools with which 18004  
the sponsor has contracted until the earlier of the expiration of 18005  
two school years or until a new sponsor as described in division 18006  
(C)(1) of section 3314.02 of the Revised Code is secured by the 18007  
school's governing authority. The department may extend the term 18008  
of the contract in the case of a school for which it has assumed 18009  
sponsorship under this division as necessary to accommodate the 18010  
term of the department's authorization to sponsor the school 18011  
specified in this division. 18012

(D) The decision of the department to disapprove an entity 18013  
for sponsorship of a community school or to revoke approval for 18014  
such sponsorship, as provided in division (C) of this section, may 18015  
be appealed by the entity in accordance with section 119.12 of the 18016  
Revised Code. 18017

(E) The department shall adopt procedures for use by a 18018  
community school governing authority and sponsor when the school 18019  
permanently closes and ceases operation, which shall include at 18020  
least procedures for data reporting to the department, handling of 18021  
student records, distribution of assets in accordance with section 18022  
3314.074 of the Revised Code, and other matters related to ceasing 18023  
operation of the school. 18024

(F) In carrying out its duties under this chapter, the 18025  
department shall not impose requirements on community schools or 18026

their sponsors that are not permitted by law or duly adopted 18027  
rules. 18028

Sec. 3314.016. (A) After June 30, 2007, a new community 18029  
school may be established under this chapter only if the school's 18030  
governing authority enters into a contract with an operator that 18031  
manages other schools in the United States that perform at a level 18032  
higher than academic watch. The governing authority of the 18033  
community school may sign a contract with an operator only if the 18034  
operator has fewer contracts with the governing authorities of 18035  
community schools established under this chapter after June 30, 18036  
2007, than the number of schools managed by the operator in the 18037  
United States that perform at a level higher than academic watch, 18038  
as determined by the department of education. 18039

(B) Notwithstanding division (A) of this section, the 18040  
governing authority of a start-up school sponsored by an entity 18041  
described in divisions (C)(1)(b) to (f) of section 3314.02 of the 18042  
Revised Code may establish one additional school serving the same 18043  
grade levels and providing the same educational program as the 18044  
current start-up school and may open that additional school in the 18045  
2007-2008 school year, if both of the following conditions are 18046  
met: 18047

(1) The governing authority entered into another contract 18048  
with the same sponsor or a different sponsor described in 18049  
divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code 18050  
and filed a copy of that contract with the superintendent of 18051  
public instruction prior to March 15, 2006. 18052

(2) The governing authority's current school satisfies all of 18053  
the following conditions: 18054

(a) The school currently is rated as excellent or effective 18055  
pursuant to section 3302.03 of the Revised Code. 18056

<u>(b) The school made adequate yearly progress, as defined in</u>	18057
<u>section 3302.01 of the Revised Code, for the previous school year.</u>	18058
<u>(c) The school has been in operation for at least four school</u>	18059
<u>years.</u>	18060
<u>(d) The school is not managed by an operator.</u>	18061
<b>Sec. 3314.02.</b> (A) As used in this chapter:	18062
(1) "Sponsor" means an entity listed in division (C)(1) of	18063
this section, which has been approved by the department of	18064
education to sponsor community schools and with which the	18065
governing authority of the proposed community school enters into a	18066
contract pursuant to this section.	18067
(2) "Pilot project area" means the school districts included	18068
in the territory of the former community school pilot project	18069
established by former Section 50.52 of Am. Sub. H.B. No. 215 of	18070
the 122nd general assembly.	18071
(3) "Challenged school district" means any of the following:	18072
(a) A school district that is part of the pilot project area;	18073
(b) A school district that is either in a state of academic	18074
emergency or in a state of academic watch under section 3302.03 of	18075
the Revised Code;	18076
(c) A big eight school district.	18077
(4) "Big eight school district" means a school district that	18078
for fiscal year 1997 had both of the following:	18079
(a) A percentage of children residing in the district and	18080
participating in the predecessor of Ohio works first greater than	18081
thirty per cent, as reported pursuant to section 3317.10 of the	18082
Revised Code;	18083
(b) An average daily membership greater than twelve thousand,	18084
as reported pursuant to former division (A) of section 3317.03 of	18085

the Revised Code. 18086

(5) "New start-up school" means a community school other than 18087  
one created by converting all or part of an existing public 18088  
school, as designated in the school's contract pursuant to 18089  
division (A)(17) of section 3314.03 of the Revised Code. 18090

(6) "Urban school district" means one of the state's 18091  
twenty-one urban school districts as defined in division (O) of 18092  
section 3317.02 of the Revised Code as that section existed prior 18093  
to July 1, 1998. 18094

(7) "Internet- or computer-based community school" means a 18095  
community school established under this chapter in which the 18096  
enrolled students work primarily from their residences on 18097  
assignments in nonclassroom-based learning opportunities provided 18098  
via an internet- or other computer-based instructional method that 18099  
does not rely on regular classroom instruction or via 18100  
comprehensive instructional methods that include internet-based, 18101  
other computer-based, and noncomputer-based learning 18102  
opportunities. 18103

(B) Any person or group of individuals may initially propose 18104  
under this division the conversion of all or a portion of a public 18105  
school to a community school. The proposal shall be made to the 18106  
board of education of the city, local, or exempted village school 18107  
district in which the public school is proposed to be converted. 18108  
Upon receipt of a proposal, a board may enter into a preliminary 18109  
agreement with the person or group proposing the conversion of the 18110  
public school, indicating the intention of the board of education 18111  
to support the conversion to a community school. A proposing 18112  
person or group that has a preliminary agreement under this 18113  
division may proceed to finalize plans for the school, establish a 18114  
governing authority for the school, and negotiate a contract with 18115  
the board of education. Provided the proposing person or group 18116  
adheres to the preliminary agreement and all provisions of this 18117

chapter, the board of education shall negotiate in good faith to 18118  
enter into a contract in accordance with section 3314.03 of the 18119  
Revised Code and division (C) of this section. 18120

(C)(1) Any person or group of individuals may propose under 18121  
this division the establishment of a new start-up school to be 18122  
located in a challenged school district. The proposal may be made 18123  
to any of the following entities: 18124

(a) The board of education of the district in which the 18125  
school is proposed to be located; 18126

(b) The board of education of any joint vocational school 18127  
district with territory in the county in which is located the 18128  
majority of the territory of the district in which the school is 18129  
proposed to be located; 18130

(c) The board of education of any other city, local, or 18131  
exempted village school district having territory in the same 18132  
county where the district in which the school is proposed to be 18133  
located has the major portion of its territory; 18134

(d) The governing board of any educational service center, as 18135  
long as the proposed school will be located in a county within the 18136  
territory of the service center or in a county contiguous to such 18137  
county; 18138

(e) A sponsoring authority designated by the board of 18139  
trustees of any of the thirteen state universities listed in 18140  
section 3345.011 of the Revised Code or the board of trustees 18141  
itself as long as a mission of the proposed school to be specified 18142  
in the contract under division (A)(2) of section 3314.03 of the 18143  
Revised Code and as approved by the department of education under 18144  
division (B)(2) of section 3314.015 of the Revised Code will be 18145  
the practical demonstration of teaching methods, educational 18146  
technology, or other teaching practices that are included in the 18147  
curriculum of the university's teacher preparation program 18148

approved by the state board of education; 18149

(f) Any qualified tax-exempt entity under section 501(c)(3) 18150  
of the Internal Revenue Code as long as all of the following 18151  
conditions are satisfied: 18152

(i) The entity has been in operation for at least five years 18153  
prior to applying to be a community school sponsor. 18154

(ii) The entity has assets of at least five hundred thousand 18155  
dollars and a demonstrated record of financial responsibility. 18156

(iii) The department of education has determined that the 18157  
entity is an education-oriented entity under division (B)(3) of 18158  
section 3314.015 of the Revised Code and the entity has a 18159  
demonstrated record of successful implementation of educational 18160  
programs. 18161

(iv) The entity is not a community school. 18162

Any entity described in division (C)(1) of this section may 18163  
enter into a preliminary agreement pursuant to division (C)(2) of 18164  
this section with the proposing person or group. 18165

(2) A preliminary agreement indicates the intention of an 18166  
entity described in division (C)(1) of this section to sponsor the 18167  
community school. A proposing person or group that has such a 18168  
preliminary agreement may proceed to finalize plans for the 18169  
school, establish a governing authority as described in division 18170  
(E) of this section for the school, and negotiate a contract with 18171  
the entity. Provided the proposing person or group adheres to the 18172  
preliminary agreement and all provisions of this chapter, the 18173  
entity shall negotiate in good faith to enter into a contract in 18174  
accordance with section 3314.03 of the Revised Code. 18175

(3) A new start-up school that is established in a school 18176  
district while that district is either in a state of academic 18177  
emergency or in a state of academic watch under section 3302.03 of 18178



the Revised Code may continue in existence once the school 18179  
district is no longer in a state of academic emergency or academic 18180  
watch, provided there is a valid contract between the school and a 18181  
sponsor. 18182

(4) A copy of every preliminary agreement entered into under 18183  
this division shall be filed with the superintendent of public 18184  
instruction. 18185

(D) A majority vote of the board of a sponsoring entity and a 18186  
majority vote of the members of the governing authority of a 18187  
community school shall be required to adopt a contract and convert 18188  
the public school to a community school or establish the new 18189  
start-up school. Beginning September 29, 2005, adoption of the 18190  
contract shall occur not later than the fifteenth day of March, 18191  
and signing of the contract shall occur not later than the 18192  
fifteenth day of May, prior to the school year in which the school 18193  
will open. The governing authority shall notify the department of 18194  
education when the contract has been signed. Subject to sections 18195  
3314.013 ~~and~~, 3314.014, and 3314.016 of the Revised Code, an 18196  
unlimited number of community schools may be established in any 18197  
school district provided that a contract is entered into for each 18198  
community school pursuant to this chapter. 18199

(E)(1) As used in this division, "immediate relatives" are 18200  
limited to spouses, children, parents, grandparents, siblings, and 18201  
in-laws. 18202

Each new start-up community school established under this 18203  
chapter shall be under the direction of a governing authority 18204  
which shall consist of a board of not less than five individuals . 18205

No person shall serve on the governing authority or operate 18206  
the community school under contract with the governing authority 18207  
so long as the person owes the state any money or is in a dispute 18208  
over whether the person owes the state any money concerning the 18209

operation of a community school that has closed. 18210

(2) No person shall serve on the governing authorities of 18211  
more than two start-up community schools at the same time. 18212

(3) No present or former member, or immediate relative of a 18213  
present or former member, of the governing authority of any 18214  
community school established under this chapter shall be an owner, 18215  
employee, or consultant of any nonprofit or for-profit operator of 18216  
a community school, ~~as defined in section 3314.014 of the Revised~~ 18217  
~~Code,~~ unless at least one year has elapsed since the conclusion of 18218  
the person's membership. 18219

(F) Nothing in this chapter shall be construed to permit the 18220  
establishment of a community school in more than one school 18221  
district under the same contract. 18222

(G)(1) A new start-up school that is established prior to 18223  
August 15, 2003, in an urban school district that is not also a 18224  
big-eight school district may continue to operate after that date 18225  
and the contract between the school's governing authority and the 18226  
school's sponsor may be renewed, as provided under this chapter, 18227  
after that date, but no additional new start-up schools may be 18228  
established in such a district unless the district is a challenged 18229  
school district as defined in this section as it exists on and 18230  
after that date. 18231

(2) A community school that was established prior to June 29, 18232  
1999, and is located in a county contiguous to the pilot project 18233  
area and in a school district that is not a challenged school 18234  
district may continue to operate after that date, provided the 18235  
school complies with all provisions of this chapter. The contract 18236  
between the school's governing authority and the school's sponsor 18237  
may be renewed, but no additional start-up community school may be 18238  
established in that district unless the district is a challenged 18239  
school district. 18240

(3) Any educational service center that, on the effective date of this amendment, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school only until the expiration of the contract between the service center and the school's governing authority. The community school may continue to operate after the expiration of that contract, provided the school secures a new sponsor, as described in division (C)(1) of this section as it exists on and after the effective date of this amendment, and the school's governing authority enters into a contract with the new sponsor.

**Sec. 3314.03.** A copy of every contract entered into under this section shall be filed with the superintendent of public instruction.

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as either of the following:

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003;

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement tests;

(4) Performance standards by which the success of the school will be evaluated by the sponsor;	18271 18272
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	18273 18274
(6)(a) Dismissal procedures;	18275
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	18276 18277 18278 18279 18280 18281
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	18282 18283
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of the Revised Code.	18284 18285 18286 18287 18288 18289
(9) The facilities to be used and their locations;	18290
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	18291 18292 18293 18294 18295 18296
(11) That the school will comply with the following requirements:	18297 18298
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred	18299 18300

twenty hours per school year; 18301

(b) The governing authority will purchase liability 18302  
insurance, or otherwise provide for the potential liability of the 18303  
school; 18304

(c) The school will be nonsectarian in its programs, 18305  
admission policies, employment practices, and all other 18306  
operations, and will not be operated by a sectarian school or 18307  
religious institution; 18308

(d) The school will comply with sections 9.90, 9.91, 109.65, 18309  
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 18310  
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 18311  
3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 18312  
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 18313  
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 18314  
3313.96, 3319.073, 3319.313, 3319.314, 3319.315, 3319.321, 18315  
3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 18316  
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 18317  
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 18318  
of the Revised Code as if it were a school district and will 18319  
comply with section 3301.0714 of the Revised Code in the manner 18320  
specified in section 3314.17 of the Revised Code; 18321

(e) The school shall comply with Chapter 102. and section 18322  
2921.42 of the Revised Code; 18323

(f) The school will comply with sections 3313.61, 3313.611, 18324  
and 3313.614 of the Revised Code, except that for students who 18325  
enter ninth grade for the first time before July 1, 2010, the 18326  
requirement in sections 3313.61 and 3313.611 of the Revised Code 18327  
that a person must successfully complete the curriculum in any 18328  
high school prior to receiving a high school diploma may be met by 18329  
completing the curriculum adopted by the governing authority of 18330  
the community school rather than the curriculum specified in Title 18331

XXXIII of the Revised Code or any rules of the state board of 18332  
education. Beginning with students who enter ninth grade for the 18333  
first time on or after July 1, 2010, the requirement in sections 18334  
3313.61 and 3313.611 of the Revised Code that a person must 18335  
successfully complete the curriculum of a high school prior to 18336  
receiving a high school diploma shall be met by completing the 18337  
Ohio core curriculum prescribed in division (C) of section 18338  
3313.603 of the Revised Code, unless the person qualifies under 18339  
division (D) or (F) of that section. Each school shall comply with 18340  
the plan for awarding high school credit based on demonstration of 18341  
subject area competency, adopted by the state board of education 18342  
under division (J) of section 3313.603 of the Revised Code. 18343

(g) The school governing authority will submit within four 18344  
months after the end of each school year a report of its 18345  
activities and progress in meeting the goals and standards of 18346  
divisions (A)(3) and (4) of this section and its financial status 18347  
to the sponsor and the parents of all students enrolled in the 18348  
school. 18349

(h) The school, unless it is an internet- or computer-based 18350  
community school, will comply with section 3313.801 of the Revised 18351  
Code as if it were a school district. 18352

(12) Arrangements for providing health and other benefits to 18353  
employees; 18354

(13) The length of the contract, which shall begin at the 18355  
beginning of an academic year. No contract shall exceed five years 18356  
unless such contract has been renewed pursuant to division (E) of 18357  
this section. 18358

(14) The governing authority of the school, which shall be 18359  
responsible for carrying out the provisions of the contract; 18360

(15) A financial plan detailing an estimated school budget 18361  
for each year of the period of the contract and specifying the 18362

total estimated per pupil expenditure amount for each such year. 18363  
The plan shall specify for each year the base formula amount that 18364  
will be used for purposes of funding calculations under section 18365  
3314.08 of the Revised Code. This base formula amount for any year 18366  
shall not exceed the formula amount defined under section 3317.02 18367  
of the Revised Code. The plan may also specify for any year a 18368  
percentage figure to be used for reducing the per pupil amount of 18369  
the subsidy calculated pursuant to section 3317.029 of the Revised 18370  
Code the school is to receive that year under section 3314.08 of 18371  
the Revised Code. 18372

(16) Requirements and procedures regarding the disposition of 18373  
employees of the school in the event the contract is terminated or 18374  
not renewed pursuant to section 3314.07 of the Revised Code; 18375

(17) Whether the school is to be created by converting all or 18376  
part of an existing public school or is to be a new start-up 18377  
school, and if it is a converted public school, specification of 18378  
any duties or responsibilities of an employer that the board of 18379  
education that operated the school before conversion is delegating 18380  
to the governing board of the community school with respect to all 18381  
or any specified group of employees provided the delegation is not 18382  
prohibited by a collective bargaining agreement applicable to such 18383  
employees; 18384

(18) Provisions establishing procedures for resolving 18385  
disputes or differences of opinion between the sponsor and the 18386  
governing authority of the community school; 18387

(19) A provision requiring the governing authority to adopt a 18388  
policy regarding the admission of students who reside outside the 18389  
district in which the school is located. That policy shall comply 18390  
with the admissions procedures specified in sections 3314.06 and 18391  
3314.061 of the Revised Code and, at the sole discretion of the 18392  
authority, shall do one of the following: 18393

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	18394 18395
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	18396 18397
(c) Permit the enrollment of students who reside in any other district in the state.	18398 18399
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	18400 18401 18402 18403
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	18404 18405 18406
(22) A provision recognizing both of the following:	18407
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	18408 18409 18410 18411
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action;	18412 18413 18414 18415 18416 18417 18418
(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	18419 18420 18421 18422 18423



Code; 18424

(24) The school will comply with section 3302.04 of the 18425  
Revised Code, including division (E) of that section to the extent 18426  
possible, except that any action required to be taken by a school 18427  
district pursuant to that section shall be taken by the sponsor of 18428  
the school. However, the sponsor shall not be required to take any 18429  
action described in division (F) of that section. 18430

(25) Beginning in the 2006-2007 school year, the school will 18431  
open for operation not later than the thirtieth day of September 18432  
each school year, unless the mission of the school as specified 18433  
under division (A)(2) of this section is solely to serve dropouts. 18434  
In its initial year of operation, if the school fails to open by 18435  
the thirtieth day of September, or within one year after the 18436  
adoption of the contract pursuant to division (D) of section 18437  
3314.02 of the Revised Code if the mission of the school is solely 18438  
to serve dropouts, the contract shall be void. 18439

(B) The community school shall also submit to the sponsor a 18440  
comprehensive plan for the school. The plan shall specify the 18441  
following: 18442

(1) The process by which the governing authority of the 18443  
school will be selected in the future; 18444

(2) The management and administration of the school; 18445

(3) If the community school is a currently existing public 18446  
school, alternative arrangements for current public school 18447  
students who choose not to attend the school and teachers who 18448  
choose not to teach in the school after conversion; 18449

(4) The instructional program and educational philosophy of 18450  
the school; 18451

(5) Internal financial controls. 18452

(C) A contract entered into under section 3314.02 of the 18453

Revised Code between a sponsor and the governing authority of a 18454  
community school may provide for the community school governing 18455  
authority to make payments to the sponsor, which is hereby 18456  
authorized to receive such payments as set forth in the contract 18457  
between the governing authority and the sponsor. The total amount 18458  
of such payments for oversight and monitoring of the school shall 18459  
not exceed three per cent of the total amount of payments for 18460  
operating expenses that the school receives from the state. 18461

(D) The contract shall specify the duties of the sponsor 18462  
which shall be in accordance with the written agreement entered 18463  
into with the department of education under division (B) of 18464  
section 3314.015 of the Revised Code and shall include the 18465  
following: 18466

(1) Monitor the community school's compliance with all laws 18467  
applicable to the school and with the terms of the contract; 18468

(2) Monitor and evaluate the academic and fiscal performance 18469  
and the organization and operation of the community school on at 18470  
least an annual basis; 18471

(3) Report on an annual basis the results of the evaluation 18472  
conducted under division (D)(2) of this section to the department 18473  
of education and to the parents of students enrolled in the 18474  
community school; 18475

(4) Provide technical assistance to the community school in 18476  
complying with laws applicable to the school and terms of the 18477  
contract; 18478

(5) Take steps to intervene in the school's operation to 18479  
correct problems in the school's overall performance, declare the 18480  
school to be on probationary status pursuant to section 3314.073 18481  
of the Revised Code, suspend the operation of the school pursuant 18482  
to section 3314.072 of the Revised Code, or terminate the contract 18483  
of the school pursuant to section 3314.07 of the Revised Code as 18484

determined necessary by the sponsor; 18485

(6) Have in place a plan of action to be undertaken in the 18486  
event the community school experiences financial difficulties or 18487  
closes prior to the end of a school year. 18488

(E) Upon the expiration of a contract entered into under this 18489  
section, the sponsor of a community school may, with the approval 18490  
of the governing authority of the school, renew that contract for 18491  
a period of time determined by the sponsor, but not ending earlier 18492  
than the end of any school year, if the sponsor finds that the 18493  
school's compliance with applicable laws and terms of the contract 18494  
and the school's progress in meeting the academic goals prescribed 18495  
in the contract have been satisfactory. Any contract that is 18496  
renewed under this division remains subject to the provisions of 18497  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 18498

(F) If a community school fails to open for operation within 18499  
one year after the contract entered into under this section is 18500  
adopted pursuant to division (D) of section 3314.02 of the Revised 18501  
Code or permanently closes prior to the expiration of the 18502  
contract, the contract shall be void and the school shall not 18503  
enter into a contract with any other sponsor. A school shall not 18504  
be considered permanently closed because the operations of the 18505  
school have been suspended pursuant to section 3314.072 of the 18506  
Revised Code. Any contract that becomes void under this division 18507  
shall not count toward any statewide limit on the number of such 18508  
contracts prescribed by section 3314.013 of the Revised Code. 18509

**Sec. 3314.074.** Divisions (A) and (B) of this section apply 18510  
only to the extent permitted under Chapter 1702. of the Revised 18511  
Code. 18512

(A) If any community school established under this chapter 18513  
permanently closes and ceases its operation as a community school, 18514  
the assets of that school shall be distributed first to the 18515

retirement funds of employees of the school, employees of the 18516  
school, and private creditors who are owed compensation, and then 18517  
any remaining funds shall be paid to the ~~state treasury to the~~ 18518  
~~credit of the general revenue fund~~ department of education for 18519  
redistribution to the school districts in which the students who 18520  
were enrolled in the school at the time it ceased operation were 18521  
entitled to attend school under section 3313.64 or 3313.65 of the 18522  
Revised Code. The amount distributed to each school district shall 18523  
be proportional to the district's share of the total enrollment in 18524  
the community school. 18525

(B) If a community school closes and ceases to operate as a 18526  
community school and the school has received computer hardware or 18527  
software from the former Ohio SchoolNet commission or the eTech 18528  
Ohio commission, such hardware or software shall be returned to 18529  
the eTech Ohio commission, and the eTech Ohio commission shall 18530  
redistribute the hardware and software, to the extent such 18531  
redistribution is possible, to school districts in conformance 18532  
with the provisions of the programs operated and administered by 18533  
the eTech Ohio commission. 18534

(C) If the assets of the school are insufficient to pay all 18535  
persons or entities to whom compensation is owed, the 18536  
prioritization of the distribution of the assets to individual 18537  
persons or entities within each class of payees may be determined 18538  
by decree of a court in accordance with this section and Chapter 18539  
1702. of the Revised Code. 18540

**Sec. 3314.08.** (A) As used in this section: 18541

(1) "Base formula amount" means the amount specified as such 18542  
in a community school's financial plan for a school year pursuant 18543  
to division (A)(15) of section 3314.03 of the Revised Code. 18544

(2) ~~"Cost of doing business factor" has the same meaning as~~ 18545  
~~in section 3317.02 of the Revised Code.~~ 18546

~~(3)~~ "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code. 18547  
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~~(4)~~(3) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a handicap described in that section. 18549  
18550  
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~~(5)~~(4) "Applicable vocational education weight" means: 18552

(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division; 18553  
18554  
18555

(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division. 18556  
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~~(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. 18559  
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~~(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. 18562  
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~~(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 (9) 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. 18566  
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~~(9)~~(8) "All-day kindergarten" has the same meaning as in section 3317.029 of the Revised Code. 18573  
18574

~~(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),~~ 18575  
18576

~~(D), (E), and (F) of section 3317.022, divisions (G), (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 established under this chapter, the number of students entitled to attend school in the district who are enrolled in kindergarten in a community school, the number of those kindergartners who are enrolled in all-day kindergarten in their community school, and for each child, the community school in which the child is enrolled.

(2) The governing authority of each community school established under this chapter to annually report all of the following:

(a) The number of students enrolled in grades one through twelve and the number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(b) The number of enrolled students in grades one through twelve and the number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;

(c) The number of students reported under division (B)(2)(b) 18608  
of this section receiving special education and related services 18609  
pursuant to an IEP for a handicap described in each of divisions 18610  
(A) to (F) of section 3317.013 of the Revised Code; 18611

(d) The full-time equivalent number of students reported 18612  
under divisions (B)(2)(a) and (b) of this section who are enrolled 18613  
in vocational education programs or classes described in each of 18614  
divisions (A) and (B) of section 3317.014 of the Revised Code that 18615  
are provided by the community school; 18616

(e) Twenty per cent of the number of students reported under 18617  
divisions (B)(2)(a) and (b) of this section who are not reported 18618  
under division (B)(2)(d) of this section but who are enrolled in 18619  
vocational education programs or classes described in each of 18620  
divisions (A) and (B) of section 3317.014 of the Revised Code at a 18621  
joint vocational school district under a contract between the 18622  
community school and the joint vocational school district and are 18623  
entitled to attend school in a city, local, or exempted village 18624  
school district whose territory is part of the territory of the 18625  
joint vocational district; 18626

(f) The number of enrolled preschool handicapped students 18627  
receiving special education services in a state-funded unit; 18628

(g) The community school's base formula amount; 18629

(h) For each student, the city, exempted village, or local 18630  
school district in which the student is entitled to attend school; 18631

(i) Any poverty-based assistance reduction factor that 18632  
applies to a school year. 18633

(C) From the ~~SF-3 payment made to~~ state education aid 18634  
calculated for a city, exempted village, or local school district 18635  
and, if necessary, from the payment made to the district under 18636  
sections 321.24 and 323.156 of the Revised Code, the department of 18637  
education shall annually subtract the sum of the amounts described 18638

in divisions (C)(1) to (9) of this section. However, when 18639  
deducting payments on behalf of students enrolled in internet- or 18640  
computer-based community schools, the department shall deduct only 18641  
those amounts described in divisions (C)(1) and (2) of this 18642  
section. Furthermore, the aggregate amount deducted under this 18643  
division shall not exceed the sum of the district's ~~SF-3 payment~~ 18644  
state education aid and its payment under sections 321.24 and 18645  
323.156 of the Revised Code. 18646

(1) An amount equal to the sum of the amounts obtained when, 18647  
for each community school where the district's students are 18648  
enrolled, the number of the district's students reported under 18649  
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 18650  
in grades one through twelve, and one-half the number of students 18651  
reported under those divisions who are enrolled in kindergarten, 18652  
in that community school is multiplied by the ~~greater of the~~ 18653  
~~following:~~ 18654

~~(a) The fiscal year 2005 base formula amount of that 18655  
community school as adjusted by the school district's fiscal year 18656  
2005 cost of doing business factor;~~ 18657

~~(b) The sum of (the ~~current~~ base formula amount of that 18658  
community school ~~times the school district's current~~ 18659  
~~cost of doing business factor~~) plus the per pupil amount of the 18660  
base funding supplements specified in divisions (C)(1) to (4) of 18661  
section 3317.012 of the Revised Code. 18662~~

(2) The sum of the amounts calculated under divisions 18663  
(C)(2)(a) and (b) of this section: 18664

(a) For each of the district's students reported under 18665  
division (B)(2)(c) of this section as enrolled in a community 18666  
school in grades one through twelve and receiving special 18667  
education and related services pursuant to an IEP for a handicap 18668  
described in section 3317.013 of the Revised Code, the product of 18669



the applicable special education weight times the community 18670  
school's base formula amount; 18671

(b) For each of the district's students reported under 18672  
division (B)(2)(c) of this section as enrolled in kindergarten in 18673  
a community school and receiving special education and related 18674  
services pursuant to an IEP for a handicap described in section 18675  
3317.013 of the Revised Code, one-half of the amount calculated as 18676  
prescribed in division (C)(2)(a) of this section. 18677

(3) For each of the district's students reported under 18678  
division (B)(2)(d) of this section for whom payment is made under 18679  
division (D)(4) of this section, the amount of that payment; 18680

(4) An amount equal to the sum of the amounts obtained when, 18681  
for each community school where the district's students are 18682  
enrolled, the number of the district's students enrolled in that 18683  
community school who are included in the district's poverty 18684  
student count is multiplied by the per pupil amount of 18685  
poverty-based assistance the school district receives that year 18686  
pursuant to division ~~(B) or~~ (C) of section 3317.029 of the Revised 18687  
Code, as adjusted by any poverty-based assistance reduction factor 18688  
of that community school. ~~If the district receives poverty based 18689  
assistance under division (B) of that section, the per pupil 18690  
amount of that aid is the quotient of the amount the district 18691  
received under that division divided by the district's poverty 18692  
student count, as defined in that section. If the district 18693  
receives poverty based assistance under division (C) of section 18694  
3317.029 of the Revised Code, the The per pupil amount of that aid 18695  
for the district shall be calculated by the department. 18696~~

(5) An amount equal to the sum of the amounts obtained when, 18697  
for each community school where the district's students are 18698  
enrolled, the district's per pupil amount of aid received under 18699  
division (E) of section 3317.029 of the Revised Code, as adjusted 18700  
by any poverty-based assistance reduction factor of the community 18701

school, is multiplied by the sum of the following: 18702

(a) The number of the district's students reported under 18703  
division (B)(2)(a) of this section who are enrolled in grades one 18704  
to three in that community school and who are not receiving 18705  
special education and related services pursuant to an IEP; 18706

(b) One-half of the district's students who are enrolled in 18707  
all-day or any other kindergarten class in that community school 18708  
and who are not receiving special education and related services 18709  
pursuant to an IEP; 18710

(c) One-half of the district's students who are enrolled in 18711  
all-day kindergarten in that community school and who are not 18712  
receiving special education and related services pursuant to an 18713  
IEP. 18714

The district's per pupil amount of aid under division (E) of 18715  
section 3317.029 of the Revised Code is the quotient of the amount 18716  
the district received under that division divided by the 18717  
district's kindergarten through third grade ADM, as defined in 18718  
that section. 18719

(6) An amount equal to the sum of the amounts obtained when, 18720  
for each community school where the district's students are 18721  
enrolled, the district's per pupil amount received under division 18722  
(F) of section 3317.029 of the Revised Code, as adjusted by any 18723  
poverty-based assistance reduction factor of that community 18724  
school, is multiplied by the number of the district's students 18725  
enrolled in the community school who are identified as 18726  
limited-English proficient. 18727

(7) An amount equal to the sum of the amounts obtained when, 18728  
for each community school where the district's students are 18729  
enrolled, the district's per pupil amount received under division 18730  
(G) of section 3317.029 of the Revised Code, as adjusted by any 18731  
poverty-based assistance reduction factor of that community 18732

school, is multiplied by the sum of the following: 18733

(a) The number of the district's students enrolled in grades 18734  
one through twelve in that community school; 18735

(b) One-half of the number of the district's students 18736  
enrolled in kindergarten in that community school. 18737

The district's per pupil amount under division (G) of section 18738  
3317.029 of the Revised Code is the district's amount per teacher 18739  
calculated under division (G)(1) or (2) of that section divided by 18740  
~~17, times a multiple of 0.40 in fiscal year 2006 and 0.70 in~~ 18741  
~~fiscal year 2007.~~ 18742

(8) An amount equal to the sum of the amounts obtained when, 18743  
for each community school where the district's students are 18744  
enrolled, the district's per pupil amount received under divisions 18745  
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 18746  
by any poverty-based assistance reduction factor of that community 18747  
school, is multiplied by the sum of the following: 18748

(a) The number of the district's students enrolled in grades 18749  
one through twelve in that community school; 18750

(b) One-half of the number of the district's students 18751  
enrolled in kindergarten in that community school. 18752

The district's per pupil amount under divisions (H) and (I) 18753  
of section 3317.029 of the Revised Code is the amount calculated 18754  
under each division divided by the district's formula ADM, as 18755  
defined in section 3317.02 of the Revised Code. 18756

(9) An amount equal to the per pupil state parity aid funding 18757  
calculated for the school district under either division (C) or 18758  
(D) of section 3317.0217 of the Revised Code multiplied by the sum 18759  
of the number of students in grades one through twelve, and 18760  
one-half of the number of students in kindergarten, who are 18761  
entitled to attend school in the district and are enrolled in a 18762

community school as reported under division (B)(1) of this 18763  
section. 18764

(D) The department shall annually pay to a community school 18765  
established under this chapter the sum of the amounts described in 18766  
divisions (D)(1) to (10) of this section. However, the department 18767  
shall calculate and pay to each internet- or computer-based 18768  
community school only the amounts described in divisions (D)(1) to 18769  
(3) of this section. Furthermore, the sum of the payments to all 18770  
community schools under divisions (D)(1), (2), and (4) to (10) of 18771  
this section for the students entitled to attend school in any 18772  
particular school district shall not exceed the sum of that 18773  
district's ~~SF-3 payment~~ state education aid and its payment under 18774  
sections 321.24 and 323.156 of the Revised Code. If the sum of the 18775  
payments calculated under those divisions for the students 18776  
entitled to attend school in a particular school district exceeds 18777  
the sum of that district's ~~SF-3 payment~~ state education aid and 18778  
its payment under sections 321.24 and 323.156 of the Revised Code, 18779  
the department shall calculate and apply a proration factor to the 18780  
payments to all community schools under those divisions for the 18781  
students entitled to attend school in that district. 18782

(1) Subject to section 3314.085 of the Revised Code, an 18783  
amount equal to the sum of the amounts obtained when the number of 18784  
students enrolled in grades one through twelve, plus one-half of 18785  
the kindergarten students in the school, reported under divisions 18786  
(B)(2)(a), (b), and (e) of this section who are not receiving 18787  
special education and related services pursuant to an IEP for a 18788  
handicap described in section 3317.013 of the Revised Code is 18789  
multiplied by the ~~greater of the following:~~ 18790

~~(a) The community school's fiscal year 2005 base formula 18791  
amount, as adjusted by the fiscal year 2005 cost of doing business 18792  
factor of the school district in which the student is entitled to 18793  
attend school;~~ 18794

~~(b) The sum of (the community school's current base formula amount times the current cost of doing business factor of the school district in which the student is entitled to attend school)~~ 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.

(2) Prior to fiscal year 2007, the greater of the amount calculated under division (D)(2)(a) or (b) of this section, and in fiscal year 2007 and thereafter, the amount calculated under division (D)(2)(b) of this section:

(a) The aggregate amount that the department paid to the community school in fiscal year 1999 for students receiving special education and related services pursuant to IEPs, excluding federal funds and state disadvantaged pupil impact aid funds;

(b) The sum of the amounts calculated under divisions (D)(2)(b)(i) and (ii) of this section:

(i) For each student reported under division (B)(2)(c) of this section as enrolled in the school in grades one through twelve and receiving special education and related services pursuant to an IEP for a handicap described in section 3317.013 of the Revised Code, the following amount:

~~the greater of (the community school's fiscal year 2005 base formula amount X the fiscal year 2005 cost of doing business factor of the district where the student is entitled to attend school)~~  
~~or [(the school's current base formula amount times the current cost of doing business factor of the school district where the student is entitled to attend school) 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]~~  
+ (the applicable special education weight X the

community school's base formula amount); 18826

(ii) For each student reported under division (B)(2)(c) of 18827  
this section as enrolled in kindergarten and receiving special 18828  
education and related services pursuant to an IEP for a handicap 18829  
described in section 3317.013 of the Revised Code, one-half of the 18830  
amount calculated under the formula prescribed in division 18831  
(D)(2)(b)(i) of this section. 18832

(3) An amount received from federal funds to provide special 18833  
education and related services to students in the community 18834  
school, as determined by the superintendent of public instruction. 18835

(4) For each student reported under division (B)(2)(d) of 18836  
this section as enrolled in vocational education programs or 18837  
classes that are described in section 3317.014 of the Revised 18838  
Code, are provided by the community school, and are comparable as 18839  
determined by the superintendent of public instruction to school 18840  
district vocational education programs and classes eligible for 18841  
state weighted funding under section 3317.014 of the Revised Code, 18842  
an amount equal to the applicable vocational education weight 18843  
times the community school's base formula amount times the 18844  
percentage of time the student spends in the vocational education 18845  
programs or classes. 18846

(5) An amount equal to the sum of the amounts obtained when, 18847  
for each school district where the community school's students are 18848  
entitled to attend school, the number of that district's students 18849  
enrolled in the community school who are included in the 18850  
district's poverty student count is multiplied by the per pupil 18851  
amount of poverty-based assistance that school district receives 18852  
that year pursuant to division ~~(B)~~ or (C) of section 3317.029 of 18853  
the Revised Code, as adjusted by any poverty-based assistance 18854  
reduction factor of the community school. The per pupil amount of 18855  
aid shall be determined as described in division (C)(4) of this 18856  
section. 18857

(6) An amount equal to the sum of the amounts obtained when, 18858  
for each school district where the community school's students are 18859  
entitled to attend school, the district's per pupil amount of aid 18860  
received under division (E) of section 3317.029 of the Revised 18861  
Code, as adjusted by any poverty-based assistance reduction factor 18862  
of the community school, is multiplied by the sum of the 18863  
following: 18864

(a) The number of the district's students reported under 18865  
division (B)(2)(a) of this section who are enrolled in grades one 18866  
to three in that community school and who are not receiving 18867  
special education and related services pursuant to an IEP; 18868

(b) One-half of the district's students who are enrolled in 18869  
all-day or any other kindergarten class in that community school 18870  
and who are not receiving special education and related services 18871  
pursuant to an IEP; 18872

(c) One-half of the district's students who are enrolled in 18873  
all-day kindergarten in that community school and who are not 18874  
receiving special education and related services pursuant to an 18875  
IEP. 18876

The district's per pupil amount of aid under division (E) of 18877  
section 3317.029 of the Revised Code shall be determined as 18878  
described in division (C)(5) of this section. 18879

(7) An amount equal to the sum of the amounts obtained when, 18880  
for each school district where the community school's students are 18881  
entitled to attend school, the number of that district's students 18882  
enrolled in the community school who are identified as 18883  
limited-English proficient is multiplied by the district's per 18884  
pupil amount received under division (F) of section 3317.029 of 18885  
the Revised Code, as adjusted by any poverty-based assistance 18886  
reduction factor of the community school. 18887

(8) An amount equal to the sum of the amounts obtained when, 18888

for each school district where the community school's students are 18889  
entitled to attend school, the district's per pupil amount 18890  
received under division (G) of section 3317.029 of the Revised 18891  
Code, as adjusted by any poverty-based assistance reduction factor 18892  
of the community school, is multiplied by the sum of the 18893  
following: 18894

(a) The number of the district's students enrolled in grades 18895  
one through twelve in that community school; 18896

(b) One-half of the number of the district's students 18897  
enrolled in kindergarten in that community school. 18898

The district's per pupil amount under division (G) of section 18899  
3317.029 of the Revised Code shall be determined as described in 18900  
division (C)(7) of this section. 18901

(9) An amount equal to the sum of the amounts obtained when, 18902  
for each school district where the community school's students are 18903  
entitled to attend school, the district's per pupil amount 18904  
received under divisions (H) and (I) of section 3317.029 of the 18905  
Revised Code, as adjusted by any poverty-based assistance 18906  
reduction factor of the community school, is multiplied by the sum 18907  
of the following: 18908

(a) The number of the district's students enrolled in grades 18909  
one through twelve in that community school; 18910

(b) One-half of the number of the district's students 18911  
enrolled in kindergarten in that community school. 18912

The district's per pupil amount under divisions (H) and (I) 18913  
of section 3317.029 of the Revised Code shall be determined as 18914  
described in division (C)(8) of this section. 18915

(10) An amount equal to the sum of the amounts obtained when, 18916  
for each school district where the community school's students are 18917  
entitled to attend school, the district's per pupil amount of 18918



state parity aid funding calculated under either division (C) or 18919  
(D) of section 3317.0217 of the Revised Code is multiplied by the 18920  
sum of the number of that district's students enrolled in grades 18921  
one through twelve, and one-half of the number of that district's 18922  
students enrolled in kindergarten, in the community school as 18923  
reported under division (B)(2)(a) and (b) of this section. 18924

(E)(1) If a community school's costs for a fiscal year for a 18925  
student receiving special education and related services pursuant 18926  
to an IEP for a handicap described in divisions (B) to (F) of 18927  
section 3317.013 of the Revised Code exceed the threshold 18928  
catastrophic cost for serving the student as specified in division 18929  
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 18930  
submit to the superintendent of public instruction documentation, 18931  
as prescribed by the superintendent, of all its costs for that 18932  
student. Upon submission of documentation for a student of the 18933  
type and in the manner prescribed, the department shall pay to the 18934  
community school an amount equal to the school's costs for the 18935  
student in excess of the threshold catastrophic costs. 18936

(2) The community school shall only report under division 18937  
(E)(1) of this section, and the department shall only pay for, the 18938  
costs of educational expenses and the related services provided to 18939  
the student in accordance with the student's individualized 18940  
education program. Any legal fees, court costs, or other costs 18941  
associated with any cause of action relating to the student may 18942  
not be included in the amount. 18943

(F) A community school may apply to the department of 18944  
education for preschool handicapped or gifted unit funding the 18945  
school would receive if it were a school district. Upon request of 18946  
its governing authority, a community school that received unit 18947  
funding as a school district-operated school before it became a 18948  
community school shall retain any units awarded to it as a school 18949  
district-operated school provided the school continues to meet 18950

eligibility standards for the unit. 18951

A community school shall be considered a school district and 18952  
its governing authority shall be considered a board of education 18953  
for the purpose of applying to any state or federal agency for 18954  
grants that a school district may receive under federal or state 18955  
law or any appropriations act of the general assembly. The 18956  
governing authority of a community school may apply to any private 18957  
entity for additional funds. 18958

(G) A board of education sponsoring a community school may 18959  
utilize local funds to make enhancement grants to the school or 18960  
may agree, either as part of the contract or separately, to 18961  
provide any specific services to the community school at no cost 18962  
to the school. 18963

(H) A community school may not levy taxes or issue bonds 18964  
secured by tax revenues. 18965

(I) No community school shall charge tuition for the 18966  
enrollment of any student. 18967

(J)(1)(a) A community school may borrow money to pay any 18968  
necessary and actual expenses of the school in anticipation of the 18969  
receipt of any portion of the payments to be received by the 18970  
school pursuant to division (D) of this section. The school may 18971  
issue notes to evidence such borrowing. The proceeds of the notes 18972  
shall be used only for the purposes for which the anticipated 18973  
receipts may be lawfully expended by the school. 18974

(b) A school may also borrow money for a term not to exceed 18975  
fifteen years for the purpose of acquiring facilities. 18976

(2) Except for any amount guaranteed under section 3318.50 of 18977  
the Revised Code, the state is not liable for debt incurred by the 18978  
governing authority of a community school. 18979

(K) For purposes of determining the number of students for 18980

which divisions (D)(5) and (6) of this section applies in any 18981  
school year, a community school may submit to the department of 18982  
job and family services, no later than the first day of March, a 18983  
list of the students enrolled in the school. For each student on 18984  
the list, the community school shall indicate the student's name, 18985  
address, and date of birth and the school district where the 18986  
student is entitled to attend school. Upon receipt of a list under 18987  
this division, the department of job and family services shall 18988  
determine, for each school district where one or more students on 18989  
the list is entitled to attend school, the number of students 18990  
residing in that school district who were included in the 18991  
department's report under section 3317.10 of the Revised Code. The 18992  
department shall make this determination on the basis of 18993  
information readily available to it. Upon making this 18994  
determination and no later than ninety days after submission of 18995  
the list by the community school, the department shall report to 18996  
the state department of education the number of students on the 18997  
list who reside in each school district who were included in the 18998  
department's report under section 3317.10 of the Revised Code. In 18999  
complying with this division, the department of job and family 19000  
services shall not report to the state department of education any 19001  
personally identifiable information on any student. 19002

(L) The department of education shall adjust the amounts 19003  
subtracted and paid under divisions (C) and (D) of this section to 19004  
reflect any enrollment of students in community schools for less 19005  
than the equivalent of a full school year. The state board of 19006  
education within ninety days after April 8, 2003, shall adopt in 19007  
accordance with Chapter 119. of the Revised Code rules governing 19008  
the payments to community schools under this section including 19009  
initial payments in a school year and adjustments and reductions 19010  
made in subsequent periodic payments to community schools and 19011  
corresponding deductions from school district accounts as provided 19012  
under divisions (C) and (D) of this section. For purposes of this 19013

section: 19014

(1) A student shall be considered enrolled in the community 19015  
school for any portion of the school year the student is 19016  
participating at a college under Chapter 3365. of the Revised 19017  
Code. 19018

(2) A student shall be considered to be enrolled in a 19019  
community school during a school year for the period of time 19020  
beginning on the later of the date on which the school both has 19021  
received documentation of the student's enrollment from a parent 19022  
and the student has commenced participation in learning 19023  
opportunities as defined in the contract with the sponsor, or 19024  
thirty days prior to the date on which the student is entered into 19025  
the education management information system established under 19026  
section 3301.0714 of the Revised Code. For purposes of applying 19027  
this division to a community school student, "learning 19028  
opportunities" shall be defined in the contract, which shall 19029  
describe both classroom-based and non-classroom-based learning 19030  
opportunities and shall be in compliance with criteria and 19031  
documentation requirements for student participation which shall 19032  
be established by the department. Any student's instruction time 19033  
in non-classroom-based learning opportunities shall be certified 19034  
by an employee of the community school. A student's enrollment 19035  
shall be considered to cease on the date on which any of the 19036  
following occur: 19037

(a) The community school receives documentation from a parent 19038  
terminating enrollment of the student. 19039

(b) The community school is provided documentation of a 19040  
student's enrollment in another public or private school. 19041

(c) The community school ceases to offer learning 19042  
opportunities to the student pursuant to the terms of the contract 19043  
with the sponsor or the operation of any provision of this 19044

chapter. 19045

(3) A student's percentage of full-time equivalency shall be 19046  
considered to be the percentage the hours of learning opportunity 19047  
offered to that student is of nine hundred ~~and~~ twenty hours. 19048  
However, no internet- or computer-based community school shall be 19049  
credited for any time a student spends participating in learning 19050  
opportunities beyond ten hours within any period of twenty-four 19051  
consecutive hours. 19052

(M) The department of education shall reduce the amounts paid 19053  
under division (D) of this section to reflect payments made to 19054  
colleges under division (B) of section 3365.07 of the Revised 19055  
Code. 19056

(N)(1) No student shall be considered enrolled in any 19057  
internet- or computer-based community school or, if applicable to 19058  
the student, in any community school that is required to provide 19059  
the student with a computer pursuant to division (C) of section 19060  
3314.22 of the Revised Code, unless both of the following 19061  
conditions are satisfied: 19062

(a) The student possesses or has been provided with all 19063  
required hardware and software materials and all such materials 19064  
are operational so that the student is capable of fully 19065  
participating in the learning opportunities specified in the 19066  
contract between the school and the school's sponsor as required 19067  
by division (A)(23) of section 3314.03 of the Revised Code; 19068

(b) The school is in compliance with division (A) of section 19069  
3314.22 of the Revised Code, relative to such student. 19070

(2) In accordance with policies adopted jointly by the 19071  
superintendent of public instruction and the auditor of state, the 19072  
department shall reduce the amounts otherwise payable under 19073  
division (D) of this section to any community school that includes 19074  
in its program the provision of computer hardware and software 19075

materials to any student, if such hardware and software materials 19076  
have not been delivered, installed, and activated for each such 19077  
student in a timely manner or other educational materials or 19078  
services have not been provided according to the contract between 19079  
the individual community school and its sponsor. 19080

The superintendent of public instruction and the auditor of 19081  
state shall jointly establish a method for auditing any community 19082  
school to which this division pertains to ensure compliance with 19083  
this section. 19084

The superintendent, auditor of state, and the governor shall 19085  
jointly make recommendations to the general assembly for 19086  
legislative changes that may be required to assure fiscal and 19087  
academic accountability for such schools. 19088

(O)(1) The department shall not withhold payments to a 19089  
community school based on a challenge brought by a school district 19090  
concerning the community school's enrollment and student residency 19091  
reports submitted to the department without first providing the 19092  
governing authority of the community school written notice stating 19093  
the specific grounds for the challenge and requiring the school 19094  
district to submit evidence supporting its claim that a particular 19095  
student should not be included in the community school's 19096  
enrollment or that payment for that student otherwise should be 19097  
denied. The department also shall permit the governing authority 19098  
to submit documentation the governing authority believes confirms 19099  
or corrects its earlier reports that are subject to challenge. The 19100  
school district bears the burden of proof. The department shall 19101  
set a reasonable deadline for the school district and community 19102  
school to submit documentation regarding the challenge. The 19103  
department shall not withhold payments pending that deadline. The 19104  
department immediately shall dismiss any challenge regarding a 19105  
particular student if the department finds that the school 19106  
district has not timely submitted evidence as required under this 19107

division or otherwise has not met its burden of proof or that the 19108  
documentation submitted by the governing authority confirms or 19109  
corrects its earlier reports regarding that student. 19110

(2) If the department finds that the school district has 19111  
timely submitted evidence and has met its burden of proof and, 19112  
accordingly, that the particular student for which the district 19113  
brought the challenge should not be included in the community 19114  
school's enrollment or that payment otherwise should be denied for 19115  
that student, the department shall withhold payments to the 19116  
community school for that student. 19117

If the governing authority of the community school 19118  
subsequently submits documentation that the department finds 19119  
confirms or corrects the earlier reports regarding that student, 19120  
the department shall resume payments to the community school for 19121  
that student and, if appropriate, shall include payment for the 19122  
prior months that were withheld. 19123

(3) The department shall not withhold any other payments from 19124  
a community school without first providing to the governing 19125  
authority of the community school written notice stating the 19126  
amount to be withheld, reasons for withholding, and offering an 19127  
opportunity for a hearing in accordance with division (P)(2) of 19128  
this section. 19129

(P)(1) If the department determines that a review of a 19130  
community school's enrollment is necessary, such review shall be 19131  
completed and written notice of the findings shall be provided to 19132  
the governing authority of the community school and its sponsor 19133  
within ninety days of the end of the community school's fiscal 19134  
year, unless extended for a period not to exceed thirty additional 19135  
days for one of the following reasons: 19136

(a) The department and the community school mutually agree to 19137  
the extension. 19138

(b) Delays in data submission caused by either a community school or its sponsor. 19139  
19140

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply: 19141  
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19143  
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(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee. 19146  
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(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing. 19149  
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(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter. 19153  
19154  
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(d) Any decision made by the board under this division is final. 19157  
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(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. 19159  
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~~(P)~~(Q) 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: 19163  
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19165  
19166

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school; 19167  
19168



(2) Any student who is not a resident of the state; 19169

(3) Any student who was enrolled in the community school 19170  
during the previous school year when tests were administered under 19171  
section 3301.0711 of the Revised Code but did not take one or more 19172  
of the tests required by that section and was not excused pursuant 19173  
to division (C)(1) or (3) of that section, unless the 19174  
superintendent of public instruction grants the student a waiver 19175  
from the requirement to take the test and a parent is not paying 19176  
tuition for the student pursuant to section 3314.26 of the Revised 19177  
Code. The superintendent may grant a waiver only for good cause in 19178  
accordance with rules adopted by the state board of education. 19179

(4) Any student who has attained the age of twenty-two years, 19180  
except for veterans of the armed services whose attendance was 19181  
interrupted before completing the recognized twelve-year course of 19182  
the public schools by reason of induction or enlistment in the 19183  
armed forces and who apply for enrollment in a community school 19184  
not later than four years after termination of war or their 19185  
honorable discharge. If, however, any such veteran elects to 19186  
enroll in special courses organized for veterans for whom tuition 19187  
is paid under federal law, or otherwise, the department shall not 19188  
subtract from a school district's state aid account under division 19189  
(C) of this section and shall not pay to a community school under 19190  
division (D) of this section any amount for that veteran. 19191

Sec. 3314.086. If the department of education is required to 19192  
pay an amount under section 3353.25 of the Revised Code to a 19193  
school district delivering a course included in the clearinghouse 19194  
established under section 3353.21 of the Revised Code for a 19195  
student enrolled in a community school established under this 19196  
chapter, the department shall deduct the amount of that payment 19197  
from the amount calculated for payment to the community school 19198  
under section 3314.08 of the Revised Code. 19199

Sec. 3314.087. (A) As used in this section: 19200

(1) "Career-technical program" means vocational programs or 19201  
classes described in division (A) or (B) of section 3317.014 of 19202  
the Revised Code in which a student is enrolled. 19203

(2) "Formula ADM," "category one or two vocational education 19204  
ADM," and "FTE basis" have the same meanings as in section 3317.02 19205  
of the Revised Code. 19206

(3) "Resident school district" means the city, exempted 19207  
village, or local school district in which a student is entitled 19208  
to attend school under section 3313.64 or 3313.65 of the Revised 19209  
Code. 19210

(B) Notwithstanding anything to the contrary in this chapter 19211  
or Chapter 3317. of the Revised Code, a student enrolled in a 19212  
community school may simultaneously enroll in the career-technical 19213  
program operated by the student's resident school district. On an 19214  
FTE basis, the student's resident school district shall count the 19215  
student in the category one or two vocational education ADM for 19216  
the proportion of the time the student is enrolled in the 19217  
district's career-technical program and, accordingly, the 19218  
department of education shall calculate funds under Chapter 3317. 19219  
for the district attributable to the student for the proportion of 19220  
time the student attends the career-technical program. The 19221  
community school shall count the student in its enrollment report 19222  
under section 3314.08 of the Revised Code and shall report to the 19223  
department the proportion of time that the student attends classes 19224  
at the community school. The department shall pay the community 19225  
school and deduct from the student's resident school district the 19226  
amount computed for the student under section 3314.08 of the 19227  
Revised Code in proportion to the fraction of the time on an FTE 19228  
basis that the student attends classes at the community school. 19229  
"Full-time equivalency" for a community school student, as defined 19230

in division (L) of section 3314.08 of the Revised Code, does not 19231  
apply to the student. 19232

Sec. 3314.19. The sponsor of each community school annually 19233  
shall provide the following assurances in writing to the 19234  
department of education not later than ten business days prior to 19235  
the opening of the school: 19236

(A) That a current copy of the contract between the sponsor 19237  
and the governing authority of the school entered into under 19238  
section 3314.03 of the Revised Code has been filed with the state 19239  
office of community schools established under section 3314.11 of 19240  
the Revised Code and that any subsequent modifications to that 19241  
contract will be filed with the office; 19242

(B) That the school has submitted to the sponsor a plan for 19243  
providing special education and related services to students with 19244  
disabilities and has demonstrated the capacity to provide those 19245  
services in accordance with Chapter 3323. of the Revised Code and 19246  
federal law; 19247

(C) That the school has a plan and procedures for 19248  
administering the achievement tests and diagnostic assessments 19249  
prescribed by sections 3301.0710 and 3301.0715 of the Revised 19250  
Code; 19251

(D) That school personnel have the necessary training, 19252  
knowledge, and resources to properly use and submit information to 19253  
all databases maintained by the department for the collection of 19254  
education data, including the education management information 19255  
system established under section 3301.0714 of the Revised Code in 19256  
accordance with methods and timelines established under section 19257  
3314.17 of the Revised Code; 19258

(E) That all required information about the school has been 19259  
submitted to the Ohio education directory system or any successor 19260

system; 19261

(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; 19262  
19263  
19264  
19265

(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; 19266  
19267  
19268  
19269

(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code; 19270  
19271

(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; 19272  
19273  
19274  
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(J) That the school holds all of the following: 19277

(1) Proof of property ownership or a lease for the facilities used by the school; 19278  
19279

(2) A certificate of occupancy; 19280

(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; 19281  
19282  
19283  
19284

(4) A satisfactory health and safety inspection; 19285

(5) A satisfactory fire inspection; 19286

(6) A valid food permit, if applicable. 19287

(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are 19288  
19289

provided; 19290

(L) That the school has designated a date it will open for 19291  
the school year for which the assurances are provided that is in 19292  
compliance with division (A)(25) of section 3314.03 of the Revised 19293  
Code; 19294

(M) That the school has met all of the sponsor's requirements 19295  
for opening and any other requirements of the sponsor. 19296

**Sec. 3314.26.** (A) Each internet- or computer-based community 19297  
school shall withdraw from the school any student who, for two 19298  
consecutive school years, has failed to participate in the spring 19299  
administration of any test prescribed under section 3301.0710 or 19300  
3301.0712 of the Revised Code for the student's grade level and 19301  
was not excused from the test pursuant to division (C)(1) or (3) 19302  
of section 3301.0711 of the Revised Code, regardless of whether a 19303  
waiver was granted for the student under division ~~(P)~~(Q)(3) of 19304  
section 3314.08 of the Revised Code. The school shall report any 19305  
such student's data verification code, as assigned pursuant to 19306  
section 3301.0714 of the Revised Code, to the department of 19307  
education. The department shall maintain a list of all data 19308  
verification codes reported under this division and section 19309  
3313.6410 of the Revised Code and provide that list to each 19310  
internet- or computer-based community school and to each school to 19311  
which section 3313.6410 of the Revised Code applies. 19312

(B) No internet- or computer-based community school shall 19313  
receive any state funds under this chapter for any enrolled 19314  
student whose data verification code appears on the list 19315  
maintained by the department under division (A) of this section. 19316

Notwithstanding any provision of the Revised Code to the 19317  
contrary, the parent of any such student shall pay tuition to the 19318  
internet- or computer-based community school in an amount equal to 19319  
the state funds the school otherwise would receive for that 19320

student, as determined by the department. An internet- or 19321  
computer-based community school may withdraw any student for whom 19322  
the parent does not pay tuition as required by this division. 19323

**Sec. 3317.01.** As used in this section and section 3317.011 of 19324  
the Revised Code, "school district," unless otherwise specified, 19325  
means any city, local, exempted village, joint vocational, or 19326  
cooperative education school district and any educational service 19327  
center. 19328

This chapter shall be administered by the state board of 19329  
education. The superintendent of public instruction shall 19330  
calculate the amounts payable to each school district and shall 19331  
certify the amounts payable to each eligible district to the 19332  
treasurer of the district as provided by this chapter. As soon as 19333  
possible after such amounts are calculated, the superintendent 19334  
shall certify to the treasurer of each school district the 19335  
district's adjusted charge-off increase, as defined in section 19336  
5705.211 of the Revised Code. No moneys shall be distributed 19337  
pursuant to this chapter without the approval of the controlling 19338  
board. 19339

The state board of education shall, in accordance with 19340  
appropriations made by the general assembly, meet the financial 19341  
obligations of this chapter. 19342

Annually, the department of education shall calculate and 19343  
report to each school district the district's total state and 19344  
local funds for providing an adequate basic education to the 19345  
district's nonhandicapped students, utilizing the determination in 19346  
section 3317.012 of the Revised Code. In addition, the department 19347  
shall calculate and report separately for each school district the 19348  
district's total state and local funds for providing an adequate 19349  
education for its handicapped students, utilizing the 19350  
determinations in both sections 3317.012 and 3317.013 of the 19351

Revised Code. 19352

Not later than the thirty-first day of August of each fiscal 19353  
year, the department of education shall provide to each school 19354  
district and county MR/DD board a preliminary estimate of the 19355  
amount of funding that the department calculates the district will 19356  
receive under each of divisions (C)(1) and (4) of section 3317.022 19357  
of the Revised Code. No later than the first day of December of 19358  
each fiscal year, the department shall update that preliminary 19359  
estimate. 19360

Moneys distributed pursuant to this chapter shall be 19361  
calculated and paid on a fiscal year basis, beginning with the 19362  
first day of July and extending through the thirtieth day of June. 19363  
The moneys appropriated for each fiscal year shall be distributed 19364  
at least monthly to each school district unless otherwise provided 19365  
for. The state board shall submit a yearly distribution plan to 19366  
the controlling board at its first meeting in July. The state 19367  
board shall submit any proposed midyear revision of the plan to 19368  
the controlling board in January. Any year-end revision of the 19369  
plan shall be submitted to the controlling board in June. If 19370  
moneys appropriated for each fiscal year are distributed other 19371  
than monthly, such distribution shall be on the same basis for 19372  
each school district. 19373

The total amounts paid each month shall constitute, as nearly 19374  
as possible, one-twelfth of the total amount payable for the 19375  
entire year. 19376

~~Until fiscal year 2007, payments~~ Payments made during the 19377  
first six months of the fiscal year may be based on an estimate of 19378  
the amounts payable for the entire year. Payments made in the last 19379  
six months shall be based on the final calculation of the amounts 19380  
payable to each school district for that fiscal year. Payments 19381  
made in the last six months may be adjusted, if necessary, to 19382  
correct the amounts distributed in the first six months, and to 19383

reflect enrollment increases when such are at least three per cent. 19384  
19385

~~Beginning in fiscal year 2007, payments shall be calculated to reflect the biannual reporting of average daily membership. In fiscal year 2007 and in each fiscal year thereafter, annualized periodic payments for each school district shall be based on the district's student counts certified pursuant to section 3317.03 of the Revised Code as follows:~~ 19386  
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~~the sum of one half of the number of students reported for the first full week in October plus one half of the average of the numbers reported for the first full week in October and for the first full week in February~~ 19392  
19393  
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Except as otherwise provided, payments under this chapter shall be made only to those school districts in which: 19396  
19397

(A) The school district, except for any educational service center and any joint vocational or cooperative education school district, levies for current operating expenses at least twenty mills. Levies for joint vocational or cooperative education school districts or county school financing districts, limited to or to the extent apportioned to current expenses, shall be included in this qualification requirement. School district income tax levies under Chapter 5748. of the Revised Code, limited to or to the extent apportioned to current operating expenses, shall be included in this qualification requirement to the extent determined by the tax commissioner under division (D) of section 3317.021 of the Revised Code. 19398  
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(B) The school year next preceding the fiscal year for which such payments are authorized meets the requirement of section 3313.48 or 3313.481 of the Revised Code, with regard to the minimum number of days or hours school must be open for instruction with pupils in attendance, for individualized parent-teacher conference and reporting periods, and for 19410  
19411  
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19415



professional meetings of teachers. This requirement shall be 19416  
waived by the superintendent of public instruction if it had been 19417  
necessary for a school to be closed because of disease epidemic, 19418  
hazardous weather conditions, inoperability of school buses or 19419  
other equipment necessary to the school's operation, damage to a 19420  
school building, or other temporary circumstances due to utility 19421  
failure rendering the school building unfit for school use, 19422  
provided that for those school districts operating pursuant to 19423  
section 3313.48 of the Revised Code the number of days the school 19424  
was actually open for instruction with pupils in attendance and 19425  
for individualized parent-teacher conference and reporting periods 19426  
is not less than one hundred seventy-five, or for those school 19427  
districts operating on a trimester plan the number of days the 19428  
school was actually open for instruction with pupils in attendance 19429  
not less than seventy-nine days in any trimester, for those school 19430  
districts operating on a quarterly plan the number of days the 19431  
school was actually open for instruction with pupils in attendance 19432  
not less than fifty-nine days in any quarter, or for those school 19433  
districts operating on a pentamester plan the number of days the 19434  
school was actually open for instruction with pupils in attendance 19435  
not less than forty-four days in any pentamester. 19436

A school district shall not be considered to have failed to 19437  
comply with this division or section 3313.481 of the Revised Code 19438  
because schools were open for instruction but either twelfth grade 19439  
students were excused from attendance for up to three days or only 19440  
a portion of the kindergarten students were in attendance for up 19441  
to three days in order to allow for the gradual orientation to 19442  
school of such students. 19443

The superintendent of public instruction shall waive the 19444  
requirements of this section with reference to the minimum number 19445  
of days or hours school must be in session with pupils in 19446  
attendance for the school year succeeding the school year in which 19447

a board of education initiates a plan of operation pursuant to 19448  
section 3313.481 of the Revised Code. The minimum requirements of 19449  
this section shall again be applicable to such a district 19450  
beginning with the school year commencing the second July 19451  
succeeding the initiation of one such plan, and for each school 19452  
year thereafter. 19453

A school district shall not be considered to have failed to 19454  
comply with this division or section 3313.48 or 3313.481 of the 19455  
Revised Code because schools were open for instruction but the 19456  
length of the regularly scheduled school day, for any number of 19457  
days during the school year, was reduced by not more than two 19458  
hours due to hazardous weather conditions. 19459

(C) The school district has on file, and is paying in 19460  
accordance with, a teachers' salary schedule which complies with 19461  
section 3317.13 of the Revised Code. 19462

A board of education or governing board of an educational 19463  
service center which has not conformed with other law and the 19464  
rules pursuant thereto, shall not participate in the distribution 19465  
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 19466  
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 19467  
and sufficient reason established to the satisfaction of the state 19468  
board of education and the state controlling board. 19469

All funds allocated to school districts under this chapter, 19470  
except those specifically allocated for other purposes, shall be 19471  
used to pay current operating expenses only. 19472

**Sec. 3317.012.** (A) The general assembly, having deliberated 19473  
on the model with which to calculate the base cost of an adequate 19474  
education per pupil, has made a policy decision to calculate that 19475  
amount as consisting of the following building blocks: 19476

(1) Base classroom teachers; 19477

(2) Other personnel support, which includes additional 19478  
teachers, such as music, arts, and physical education teachers 19479  
funded by state, local, or federal funds or other funds that are 19480  
above the base cost funding level, and other school personnel 19481  
including administrators; 19482

(3) Nonpersonnel support. 19483

This model reflects policy decisions made by the general 19484  
assembly concerning the cost of base classroom teachers, which 19485  
decisions entail two policy variables: the number of students per 19486  
base classroom teacher necessary for an adequate education and the 19487  
average compensation for a base classroom teacher necessary for an 19488  
adequate education. The model requires the general assembly to 19489  
decide the amount of other personnel support necessary for an 19490  
adequate education, ~~and increase that amount from year to year by~~ 19491  
~~the same percentage as it increases the average compensation for~~ 19492  
~~base classroom teachers.~~ The model finally requires the general 19493  
assembly to decide the nonpersonnel costs necessary for an 19494  
adequate education and to inflate the nonpersonnel costs from year 19495  
to year using the projected inflationary measure for the gross 19496  
domestic product deflator (all items) prepared by the bureau of 19497  
labor statistics of the United States department of labor. 19498

(B)(1) For fiscal year ~~2006~~ 2008, the general assembly has 19499  
resolved that a ratio of one base classroom teacher per twenty 19500  
students is necessary for an adequate education. The general 19501  
assembly has made a policy decision that the average compensation 19502  
for base classroom teachers is ~~\$53,680~~ \$56,754 for fiscal year 19503  
~~2006~~ 2008, which includes an amount for the value of fringe 19504  
benefits. For fiscal year ~~2007~~ 2009, the general assembly has 19505  
resolved that a ratio of one base classroom teacher per twenty 19506  
students is necessary for an adequate education. The general 19507  
assembly has made a policy decision that the average compensation 19508  
for base classroom teachers is ~~\$54,941~~ \$58,621 for fiscal year 19509

2009, which includes an amount for the value of fringe benefits. 19510  
Based on a ratio of twenty students per base classroom teacher, 19511  
these amounts equal ~~\$2,684~~ \$2,838 per pupil in fiscal year ~~2006~~ 19512  
2008 and ~~\$2,747~~ \$2,931 per pupil in fiscal year ~~2007~~ 2009. 19513

(2) The general assembly has made a policy decision that the 19514  
per pupil cost of salary and benefits of other personnel support 19515  
is ~~\$1,807~~ \$1,905 in fiscal year ~~2006~~ 2008. Based on the percentage 19516  
increase for the ~~average compensation of base classroom teachers~~ 19517  
per pupil cost of salary and benefits of other personnel support 19518  
from fiscal year ~~2006~~ 2007 to fiscal year ~~2007~~ 2008, the per pupil 19519  
cost of other personnel support is ~~\$1,850~~ \$1,962 in fiscal year 19520  
~~2007~~ 2009. 19521

(3) The general assembly has made a policy decision that the 19522  
per pupil cost of nonpersonnel support is ~~\$792~~ \$822 in fiscal year 19523  
~~2006~~ 2008 and ~~\$806~~ \$839 in fiscal year ~~2007~~ 2009. The amount for 19524  
fiscal year ~~2007~~ 2009 reflects the projected inflationary measure 19525  
for the gross domestic product deflator (all items) of ~~1.80%~~ 19526  
2.00%. 19527

(4) Based on the determinations specified in divisions (B)(1) 19528  
to (3) of this section, the per-pupil base cost is ~~\$5,283~~ \$5,565 19529  
in fiscal year ~~2006~~ 2008 and ~~\$5,403~~ \$5,732 in fiscal year ~~2007~~ 19530  
2009. 19531

(C) In addition to the per-pupil base cost as determined 19532  
under divisions (A) and (B) of this section, the general assembly 19533  
determines that the following base funding supplements shall be 19534  
paid to each school district: 19535

(1) Base funding for large-group academic intervention for 19536  
all students, based on 25 hours per group of students per year at 19537  
an hourly rate of ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 2008 and 19538  
~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009, as follows: 19539

large-group intervention units X 25 hours X hourly rate 19540

Where: 19541

(a) "Large-group intervention units" equals the district's 19542  
formula ADM divided by 20; 19543

(b) "Hourly rate" equals ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 19544  
2008 and ~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009. 19545

(2) Base funding for professional development, phased in 19546  
according to the following formula: 19547

district's teacher factor X 0.045 X 19548  
formula amount X phase-in percentage 19549

Where: 19550

(a) For each school district, the district's "teacher factor" 19551  
is the district's formula ADM divided by 17; 19552

(b) "Phase-in percentage" equals ~~0.25 in fiscal year 2006 and~~ 19553  
~~0.75 in fiscal year 2007.~~ 19554

(3) Base funding for data-based decision making, calculated 19555  
according to the following formula: 19556

0.001 X formula amount X formula ADM 19557

(4) Base funding for professional development regarding 19558  
data-based decision making, calculated according to the following 19559  
formula: 19560

(0.20 X the district's teacher factor X 0.08 X formula amount) + 19561  
(the district's principal factor X 19562  
0.08 X formula amount) 19563

Where: 19564

(a) For each school district, the district's "teacher factor" 19565  
is the district's formula ADM divided by 17; 19566

(b) For each school district, the district's "principal 19567  
factor" is the district's formula ADM divided by 340. 19568

(D) The general assembly intends that school districts spend 19569

the state funds calculated and paid for each component of the 19570  
building blocks methodology described in divisions (B)(1) to (3) 19571  
and (C)(1) to (4) of this section according to the purposes 19572  
described in those divisions. 19573

**Sec. 3317.013.** Except for a handicapped preschool child for 19574  
whom a scholarship has been awarded under section 3310.41 of the 19575  
Revised Code, this section does not apply to handicapped preschool 19576  
students. 19577

Analysis of special education cost data has resulted in a 19578  
finding that the average special education additional cost per 19579  
pupil, including the costs of related services, can be expressed 19580  
as a multiple of the base cost per pupil calculated under section 19581  
3317.012 of the Revised Code. The multiples for the following 19582  
categories of special education programs, as these programs are 19583  
defined for purposes of Chapter 3323. of the Revised Code, and 19584  
adjusted as provided in this section, are as follows: 19585

(A) A multiple of 0.2892 for students whose primary or only 19586  
identified handicap is a speech and language handicap, as this 19587  
term is defined pursuant to Chapter 3323. of the Revised Code; 19588

(B) A multiple of 0.3691 for students identified as specific 19589  
learning disabled or developmentally handicapped, as these terms 19590  
are defined pursuant to Chapter 3323. of the Revised Code, or 19591  
other health handicapped-minor; 19592

(C) A multiple of 1.7695 for students identified as hearing 19593  
handicapped, vision impaired, or severe behavior handicapped, as 19594  
these terms are defined pursuant to Chapter 3323. of the Revised 19595  
Code; 19596

(D) A multiple of 2.3646 for students identified as 19597  
orthopedically handicapped, as this term is defined pursuant to 19598  
Chapter 3323. of the Revised Code or other health handicapped - 19599

major; 19600

(E) A multiple of 3.1129 for students identified as 19601  
multihandicapped, as this term is defined pursuant to Chapter 19602  
3323. of the Revised Code; 19603

(F) A multiple of 4.7342 for students identified as autistic, 19604  
having traumatic brain injuries, or as both visually and hearing 19605  
disabled, as these terms are defined pursuant to Chapter 3323. of 19606  
the Revised Code. 19607

In fiscal ~~year 2004~~ years 2008 and 2009, the multiples 19608  
specified in divisions (A) to (F) of this section ~~shall be~~ 19609  
~~adjusted by multiplying them by 0.88. In fiscal years 2005, 2006,~~ 19610  
~~and 2007, the multiples specified in those divisions shall be~~ 19611  
adjusted by multiplying them by 0.90. 19612

Not later than the thirtieth day of ~~May~~ December in ~~2004,~~ 19613  
~~2005, 2006, and 2007,~~ 2008, and 2009, the department of education 19614  
shall submit to the office of budget and management a report that 19615  
specifies for each city, local, exempted village, and joint 19616  
vocational school district the fiscal year allocation of the state 19617  
and local shares of special education and related services 19618  
additional weighted funding and federal special education funds 19619  
passed through to the district. 19620

Not later than January 31, 2009, and the thirty-first day of 19621  
January of each odd-numbered year thereafter, the department shall 19622  
prepare an analysis of whether the multiples specified in this 19623  
section continue to accurately reflect the cost of providing 19624  
special education, including the costs of related services, for 19625  
students in each of the respective categories of programs 19626  
specified in this section. 19627

**Sec. 3317.014.** The average vocational education additional 19628  
cost per pupil can be expressed as a multiple of the base cost per 19629

pupil calculated under section 3317.012 of the Revised Code. ~~the~~ 19630  
The multiples for the following categories of vocational education 19631  
programs are as follows: 19632

(A) A multiple of 0.57 for students enrolled in vocational 19633  
education job-training and workforce development programs approved 19634  
by the department of education in accordance with rules adopted 19635  
under section 3313.90 of the Revised Code. 19636

(B) A multiple of 0.28 for students enrolled in vocational 19637  
education classes other than job-training and workforce 19638  
development programs. 19639

Vocational education associated services costs can be 19640  
expressed as a multiple of 0.05 of the base cost per pupil 19641  
calculated under section 3317.012 of the Revised Code. 19642

~~The general assembly has adjusted the multiples specified in 19643  
this section for calculating payments beginning in fiscal year 19644  
2002 in recognition that its policy change regarding the 19645  
application of the cost-of-doing-business factor produces a higher 19646  
base cost amount than would exist if no change were made to its 19647  
application. The adjustment maintains the same weighted costs as 19648  
would exist if no change were made to the application of the 19649  
cost-of-doing-business factor. 19650~~

~~The~~ By the thirtieth day of each December, the department of 19651  
education shall ~~annually~~ report to the governor office of budget 19652  
and management and the general assembly the amount of weighted 19653  
funding for vocational education and associated services that ~~is~~ 19654  
was spent by each city, local, exempted village, and joint 19655  
vocational school district specifically for vocational educational 19656  
and associated services during the previous fiscal year. 19657

**Sec. 3317.015.** (A) In addition to the information certified 19658  
to the department of education and the office of budget and 19659



management under division (A) of section 3317.021 of the Revised Code, the tax commissioner shall, at the same time, certify the following information to the department and the office of budget and management for each city, exempted village, and local school district to be used for the same purposes as described under that division:

(1) The taxable value of the school district's carryover property, as defined in section 319.301 of the Revised Code, for the preceding tax year;

(2) The increase in such carryover value, if any, between the second preceding tax year and the preceding tax year as used in calculating the percentage reduction under section 319.301 of the Revised Code.

(B) For each fiscal year the department of education shall calculate each school district's recognized valuation in the following manner:

(1) For a school district located in a county in which a reappraisal or triennial update occurred in the preceding tax year, the recognized valuation equals the district's total taxable value for the preceding tax year minus two-thirds times the increase in the carryover value from the second preceding tax year to the preceding tax year.

(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. 19691

**Sec. 3317.016.** In addition to its form SF-3, or any successor 19692  
to that form, the department of education shall publish on its web 19693  
site a spreadsheet for each school district that specifies the 19694  
constituent components of the district's "building blocks" funds, 19695  
as follows: 19696

(A) For compensation of base classroom teachers, as described 19697  
in division (B)(1) of section 3317.012 of the Revised Code, each 19698  
spreadsheet shall specify the district's aggregate and per pupil 19699  
amounts of state funds and of combined state and local funds, the 19700  
average compensation decided by the general assembly for base 19701  
classroom teachers, as specified in that division, and the number 19702  
of base classroom teachers attributable to the district based on 19703  
the student-teacher ratio decided by the general assembly, as 19704  
specified in that division. 19705

(B) Each spreadsheet shall specify the district's aggregate 19706  
and per pupil amounts of state funds and of combined state and 19707  
local funds for each of the following: 19708

(1) Other personnel support, as described in division (B)(2) 19709  
of section 3317.012 of the Revised Code; 19710

(2) Nonpersonnel support, as described in division (B)(3) of 19711  
that section; 19712

(3) Academic intervention services, as described in division 19713  
(C)(1) of that section; 19714

(4) Professional development, as described in division (C)(2) 19715  
of that section; 19716

(5) Data-based decision making, as described in division 19717  
(C)(3) of that section; 19718

(6) Professional development for data-based decision making, 19719  
as described in division (C)(4) of that section. 19720

(C) Each spreadsheet shall separately specify the district's aggregate and per pupil state funds for each of the following components of poverty-based assistance under section 3317.029 of the Revised Code:

~~(1) Poverty based assistance guarantee payment under division (B) of that section;~~

~~(2) Academic intervention funding under division (C) of that section;~~

~~(3)~~(2) All-day kindergarten under division (D) of that section;

~~(4) Class size reduction~~ (3) Increased classroom learning opportunities under division (E) of that section;

~~(5)~~(4) Services to limited English proficient students under division (F) of that section;

~~(6)~~(5) Professional development, under division (G) of that section;

~~(7)~~(6) Dropout prevention under division (H) of that section;

~~(8)~~(7) Community outreach under division (I) of that section;

(8) Assistance in closing the achievement gap under division (J) of that section.

**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;	19750
(2) State funds for academic intervention services under	19751
division (C)(1) of section 3317.012 and division (C) of section	19752
3317.029 of the Revised Code;	19753
(3) State funds for professional development under divisions	19754
(C)(2) and (4) of section 3317.012 and division (G) of section	19755
3317.029 of the Revised Code;	19756
(4) State funds for data based decision making under division	19757
(C)(3) of section 3317.012 of the Revised Code;	19758
<del>(5) The poverty based assistance guarantee payment under</del>	19759
<del>division (B) of section 3317.029 of the Revised Code;</del>	19760
<del>(6)</del> State funds for all-day kindergarten under division (D)	19761
of section 3317.029 of the Revised Code;	19762
<del>(7)</del> <u>(6)</u> State funds for <del>class-size reduction</del> <u>increased</u>	19763
<u>classroom learning opportunities</u> under division (E) of section	19764
3317.029 of the Revised Code;	19765
<del>(8)</del> <u>(7)</u> State funds for services to limited English proficient	19766
students under division (F) of section 3317.029 of the Revised	19767
Code;	19768
<del>(9)</del> <u>(8)</u> State funds for dropout prevention under division (H)	19769
of section 3317.029 of the Revised Code;	19770
<del>(10)</del> <u>(9)</u> State funds for community outreach under division (I)	19771
of section 3317.029 of the Revised Code;	19772
<u>(10) State funds for assistance in closing the achievement</u>	19773
<u>gap under division (J) of section 3317.029 of the Revised Code.</u>	19774
(B) The rule shall authorize the superintendent of public	19775
instruction to issue an order that does one or a combination of	19776
the following:	19777
(1) Requires the school district to periodically report to	19778

the superintendent of public instruction on its spending of the state funds paid for each building blocks component described in divisions (A)(1) to (10) of this section;

(2) Requires the district to establish a separate account for each of the building blocks components described in divisions (A)(1) to (10) of this section to which the district shall credit the state funds paid for each;

(3) Directs the district's spending of any or all of the state funds paid for the components described in divisions (A)(1) to (10) of this section in accordance with the descriptions and requirements of sections 3317.012 and 3317.029 of the Revised Code.

(C) The rule shall specify situations in which the superintendent may issue an order and the types of orders the superintendent will issue for each of those situations. The rule, however, shall authorize the superintendent to issue orders in situations that are not enumerated or described in the rule.

(D) The board of education of each school district to which the superintendent of public instruction issues an order pursuant to the rule adopted under this section shall comply with that order.

**Sec. 3317.02.** As used in this chapter:

(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 19809  
provide for counting any student in category one, two, three, 19810  
four, five, or six special education ADM or in category one or two 19811  
vocational education ADM in the same proportion the student is 19812  
counted in formula ADM. 19813

(D) "Formula ADM" means, for a city, local, or exempted 19814  
village school district, the final number verified by the 19815  
superintendent of public instruction, based on the number reported 19816  
pursuant to division (A) of section 3317.03 of the Revised Code, 19817  
~~and as adjusted, if so ordered, under division (K) of that~~ 19818  
section. "Formula ADM" means, for a joint vocational school 19819  
district, the final number verified by the superintendent of 19820  
public instruction, based on the number reported pursuant to 19821  
division (D) of section 3317.03 of the Revised Code. ~~Beginning in~~ 19822  
~~fiscal year 2007, for payments in which formula ADM is a factor,~~ 19823  
~~the formula ADM for each school district for the fiscal year is~~ 19824  
~~the sum of one half of the number reported for October of that~~ 19825  
~~fiscal year plus one half of the average of the numbers reported~~ 19826  
~~for October and February of that fiscal year, as adjusted, if so~~ 19827  
ordered, under division (K) of that section. 19828

(E) "Three-year average formula ADM" means the average of 19829  
formula ADMs for the ~~current and~~ preceding ~~two~~ three fiscal years. 19830

(F)(1) "Category one special education ADM" means the average 19831  
daily membership of handicapped children receiving special 19832  
education services for the handicap specified in division (A) of 19833  
section 3317.013 of the Revised Code and reported under division 19834  
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 19835  
~~Beginning in fiscal year 2007, the district's category one special~~ 19836  
~~education ADM for a fiscal year is the sum of one half of the~~ 19837  
~~number reported for October of that fiscal year plus one half of~~ 19838  
~~the average of the numbers reported for October and February of~~ 19839  
~~that fiscal year.~~ 19840

(2) "Category two special education ADM" means the average 19841  
daily membership of handicapped children receiving special 19842  
education services for those handicaps specified in division (B) 19843  
of section 3317.013 of the Revised Code and reported under 19844  
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 19845  
Code. ~~Beginning in fiscal year 2007, the district's category two~~ 19846  
~~special education ADM for a fiscal year is the sum of one half of~~ 19847  
~~the number reported for October of that fiscal year plus one half~~ 19848  
~~of the average of the numbers reported for October and February of~~ 19849  
~~that fiscal year.~~ 19850

(3) "Category three special education ADM" means the average 19851  
daily membership of students receiving special education services 19852  
for those handicaps specified in division (C) of section 3317.013 19853  
of the Revised Code, and reported under division (B)(7) or 19854  
(D)(2)(d) of section 3317.03 of the Revised Code. ~~Beginning in~~ 19855  
~~fiscal year 2007, the district's category three special education~~ 19856  
~~ADM for a fiscal year is the sum of one half of the number~~ 19857  
~~reported for October of that fiscal year plus one half of the~~ 19858  
~~average of the numbers reported for October and February of that~~ 19859  
~~fiscal year.~~ 19860

(4) "Category four special education ADM" means the average 19861  
daily membership of students receiving special education services 19862  
for those handicaps specified in division (D) of section 3317.013 19863  
of the Revised Code and reported under division (B)(8) or 19864  
(D)(2)(e) of section 3317.03 of the Revised Code. ~~Beginning in~~ 19865  
~~fiscal year 2007, the district's category four special education~~ 19866  
~~ADM for a fiscal year is the sum of one half of the number~~ 19867  
~~reported for October of that fiscal year plus one half of the~~ 19868  
~~average of the numbers reported for October and February of that~~ 19869  
~~fiscal year.~~ 19870

(5) "Category five special education ADM" means the average 19871  
daily membership of students receiving special education services 19872

for the handicap specified in division (E) of section 3317.013 of 19873  
the Revised Code and reported under division (B)(9) or (D)(2)(f) 19874  
of section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 19875  
~~2007, the district's category five special education ADM for a~~ 19876  
~~fiscal year is the sum of one half of the number reported for~~ 19877  
~~October of that fiscal year plus one half of the average of the~~ 19878  
~~numbers reported for October and February of that fiscal year.~~ 19879

(6) "Category six special education ADM" means the average 19880  
daily membership of students receiving special education services 19881  
for the handicap specified in division (F) of section 3317.013 of 19882  
the Revised Code and reported under division (B)(10) or (D)(2)(g) 19883  
of section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 19884  
~~2007, the district's category six special education ADM for a~~ 19885  
~~fiscal year is the sum of one half of the number reported for~~ 19886  
~~October of that fiscal year plus one half of the average of the~~ 19887  
~~numbers reported for October and February of that fiscal year.~~ 19888

(7) "Category one vocational education ADM" means the average 19889  
daily membership of students receiving vocational education 19890  
services described in division (A) of section 3317.014 of the 19891  
Revised Code and reported under division (B)(11) or (D)(2)(h) of 19892  
section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 19893  
~~2007, the district's category one vocational education ADM for a~~ 19894  
~~fiscal year is the sum of one half of the number reported for~~ 19895  
~~October of that fiscal year plus one half of the average of the~~ 19896  
~~numbers reported for October and February of that fiscal year.~~ 19897

(8) "Category two vocational education ADM" means the average 19898  
daily membership of students receiving vocational education 19899  
services described in division (B) of section 3317.014 of the 19900  
Revised Code and reported under division (B)(12) or (D)(2)(i) of 19901  
section 3317.03 of the Revised Code. ~~Beginning in fiscal year~~ 19902  
~~2007, the district's category two vocational education ADM for a~~ 19903  
~~fiscal year is the sum of one half of the number reported for~~ 19904



~~October of that fiscal year plus one half of the average of the numbers reported for October and February of that fiscal year.~~ 19905  
19906

(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. 19907  
19908  
19909  
19910  
19911

(H) "County MR/DD board" means a county board of mental retardation and developmental disabilities. 19912  
19913

(I) "Recognized valuation" means the amount calculated for a school district pursuant to section 3317.015 of the Revised Code. 19914  
19915

~~(J) "Transportation ADM" means the number of children reported under division (B)(13) of section 3317.03 of the Revised Code.~~ 19916  
19917  
19918

~~(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.~~ 19919  
19920  
19921  
19922

~~(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. 19923  
19924  
19925  
19926

~~(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. 19927  
19928  
19929  
19930

~~(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~~ 19931  
19932  
19933  
19934

~~school district is located in more than one county, the factor is~~ 19935  
~~the amount indicated for the county to which the district is~~ 19936  
~~assigned by the state department of education. If a joint~~ 19937  
~~vocational school district is located in more than one county, the~~ 19938  
~~factor is the amount indicated for the county in which the joint~~ 19939  
~~vocational school with the greatest formula ADM operated by the~~ 19940  
~~district is located.~~ 19941

~~(1) In fiscal year 2006, the cost of doing business factor~~ 19942  
~~for each county is:~~ 19943

<del>COST OF DOING BUSINESS</del>		19944
<del>COUNTY</del>	<del>FACTOR AMOUNT</del>	19945
<del>Adams</del>	<del>1.00233</del>	19946
<del>Allen</del>	<del>1.01373</del>	19947
<del>Ashland</del>	<del>1.01980</del>	19948
<del>Ashtabula</del>	<del>1.02647</del>	19949
<del>Athens</del>	<del>1.00093</del>	19950
<del>Auglaize</del>	<del>1.01647</del>	19951
<del>Belmont</del>	<del>1.00427</del>	19952
<del>Brown</del>	<del>1.01180</del>	19953
<del>Butler</del>	<del>1.04307</del>	19954
<del>Carroll</del>	<del>1.00913</del>	19955
<del>Champaign</del>	<del>1.02973</del>	19956
<del>Clark</del>	<del>1.02980</del>	19957
<del>Clermont</del>	<del>1.03607</del>	19958
<del>Clinton</del>	<del>1.02193</del>	19959
<del>Columbiana</del>	<del>1.01427</del>	19960
<del>Coshocton</del>	<del>1.01153</del>	19961
<del>Crawford</del>	<del>1.01093</del>	19962
<del>Cuyahoga</del>	<del>1.04173</del>	19963
<del>Darke</del>	<del>1.02253</del>	19964
<del>Defiance</del>	<del>1.00973</del>	19965
<del>Delaware</del>	<del>1.03520</del>	19966

Erie	1.02587	19967
Fairfield	1.02440	19968
Fayette	1.02127	19969
Franklin	1.04053	19970
Fulton	1.0220	19971
Gallia	1.00000	19972
Geauga	1.03340	19973
Greene	1.02960	19974
Guernsey	1.00440	19975
Hamilton	1.05000	19976
Hancock	1.01433	19977
Hardin	1.02373	19978
Harrison	1.00493	19979
Henry	1.02120	19980
Highland	1.00987	19981
Hocking	1.01253	19982
Holmes	1.01187	19983
Huron	1.01953	19984
Jackson	1.00920	19985
Jefferson	1.00487	19986
Knox	1.01860	19987
Lake	1.03493	19988
Lawrence	1.00540	19989
Licking	1.02540	19990
Logan	1.02567	19991
Lorain	1.03433	19992
Lucas	1.02600	19993
Madison	1.03253	19994
Mahoning	1.02307	19995
Marion	1.02040	19996
Medina	1.03573	19997
Meigs	1.00173	19998
Mercer	1.01353	19999

Miami	1.02740	20000
Monroe	1.00333	20001
Montgomery	1.03020	20002
Morgan	1.00593	20003
Morrow	1.02007	20004
Muskingum	1.00847	20005
Noble	1.00487	20006
Ottawa	1.03240	20007
Paulding	1.00767	20008
Perry	1.01067	20009
Pickaway	1.02607	20010
Pike	1.00687	20011
Portage	1.03147	20012
Preble	1.02947	20013
Putnam	1.01440	20014
Richland	1.01327	20015
Ross	1.01007	20016
Sandusky	1.02140	20017
Scioto	1.00080	20018
Seneca	1.01487	20019
Shelby	1.01853	20020
Stark	1.01700	20021
Summit	1.03613	20022
Trumbull	1.02340	20023
Tuscarawas	1.00593	20024
Union	1.03333	20025
Van Wert	1.00887	20026
Vinton	1.00633	20027
Warren	1.04387	20028
Washington	1.00400	20029
Wayne	1.02320	20030
Williams	1.01520	20031
Wood	1.02400	20032

Wyandot 1.01140 20033

~~(2) In fiscal year 2007, the cost of doing business factor  
 for each county is:~~ 20034  
 20035

~~COST OF DOING BUSINESS~~ 20036

~~COUNTY FACTOR AMOUNT~~ 20037

~~Adams 1.00117 20038~~

~~Allen 1.00687 20039~~

~~Ashland 1.00990 20040~~

~~Ashtabula 1.01323 20041~~

~~Athens 1.00047 20042~~

~~Auglaize 1.00823 20043~~

~~Belmont 1.00213 20044~~

~~Brown 1.00590 20045~~

~~Butler 1.02153 20046~~

~~Carroll 1.00457 20047~~

~~Champaign 1.01487 20048~~

~~Clark 1.01490 20049~~

~~Clermont 1.01803 20050~~

~~Clinton 1.01097 20051~~

~~Columbiana 1.00713 20052~~

~~Coshocton 1.00577 20053~~

~~Crawford 1.00547 20054~~

~~Cuyahoga 1.02087 20055~~

~~Darke 1.01127 20056~~

~~Defiance 1.00487 20057~~

~~Delaware 1.01760 20058~~

~~Erie 1.01293 20059~~

~~Fairfield 1.01220 20060~~

~~Fayette 1.01063 20061~~

~~Franklin 1.02027 20062~~

~~Fulton 1.01100 20063~~

~~Gallia 1.00000 20064~~

~~Geauga 1.01670 20065~~

Greene	1.01480	20066
Guernsey	1.00220	20067
Hamilton	1.02500	20068
Hancock	1.00717	20069
Hardin	1.01187	20070
Harrison	1.00247	20071
Henry	1.01060	20072
Highland	1.00493	20073
Hocking	1.00627	20074
Holmes	1.00593	20075
Huron	1.00977	20076
Jackson	1.00460	20077
Jefferson	1.00243	20078
Knox	1.00930	20079
Lake	1.01747	20080
Lawrence	1.00270	20081
Licking	1.01270	20082
Logan	1.01283	20083
Lorain	1.01717	20084
Lucas	1.01300	20085
Madison	1.01627	20086
Mahoning	1.01153	20087
Marion	1.01020	20088
Medina	1.01787	20089
Meigs	1.00087	20090
Mercer	1.00677	20091
Miami	1.01370	20092
Monroe	1.00167	20093
Montgomery	1.01510	20094
Morgan	1.00297	20095
Morrow	1.01003	20096
Muskingum	1.00423	20097
Noble	1.00243	20098

Ottawa	<del>1.01620</del>	20099
Paulding	<del>1.00383</del>	20100
Perry	<del>1.00533</del>	20101
Pickaway	<del>1.01303</del>	20102
Pike	<del>1.00343</del>	20103
Portage	<del>1.01573</del>	20104
Preble	<del>1.01473</del>	20105
Putnam	<del>1.00720</del>	20106
Richland	<del>1.00663</del>	20107
Ross	<del>1.00503</del>	20108
Sandusky	<del>1.01070</del>	20109
Scioto	<del>1.00040</del>	20110
Seneca	<del>1.00743</del>	20111
Shelby	<del>1.00927</del>	20112
Stark	<del>1.00850</del>	20113
Summit	<del>1.01807</del>	20114
Trumbull	<del>1.01170</del>	20115
Tuscarawas	<del>1.00297</del>	20116
Union	<del>1.01667</del>	20117
Van Wert	<del>1.00443</del>	20118
Vinton	<del>1.00317</del>	20119
Warren	<del>1.02193</del>	20120
Washington	<del>1.00200</del>	20121
Wayne	<del>1.01160</del>	20122
Williams	<del>1.00760</del>	20123
Wood	<del>1.01200</del>	20124
Wyandot	<del>1.00570</del>	20125

~~(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. 20126  
20127  
20128

~~(P)~~(M) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt value of the district. 20129  
20130  
20131

~~(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)~~(Q) "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  
hospital, skilled nursing facility, or intermediate care facility  
for the mentally retarded.

~~(U)~~(R) A child may be identified as "other health  
handicapped-major" if the child's condition meets the definition  
of "other health impaired" established in rules adopted by the  
state board of education prior to July 1, 2001, and if either of  
the following apply:



(1) The child is identified as having a medical condition 20162  
that is among those listed by the superintendent of public 20163  
instruction as conditions where a substantial majority of cases 20164  
fall within the definition of "medically fragile child." The 20165  
superintendent of public instruction shall issue an initial list 20166  
no later than September 1, 2001. 20167

(2) The child is determined by the superintendent of public 20168  
instruction to be a medically fragile child. A school district 20169  
superintendent may petition the superintendent of public 20170  
instruction for a determination that a child is a medically 20171  
fragile child. 20172

~~(V)~~(S) A child may be identified as "other health 20173  
handicapped-minor" if the child's condition meets the definition 20174  
of "other health impaired" established in rules adopted by the 20175  
state board of education prior to July 1, 2001, but the child's 20176  
condition does not meet either of the conditions specified in 20177  
division ~~(U)~~(R)(1) or (2) of this section. 20178

~~(W)~~ "~~SF 3 payment~~" means the sum of the payments to a school 20179  
district in a fiscal year under divisions ~~(A)~~, ~~(C)(1)~~, ~~(C)(4)~~, 20180  
~~(D)~~, ~~(E)~~, and ~~(F)~~ of section 3317.022, divisions ~~(G)~~, ~~(L)~~, and ~~(N)~~ 20181  
~~of section 3317.024, and sections 3317.029, 3317.0216, 3317.0217,~~ 20182  
~~3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after~~ 20183  
~~making the adjustments required by sections 3313.981 and 3313.979~~ 20184  
~~of the Revised Code, divisions (B), (C), (D), (E), (K), (L), (M),~~ 20185  
~~(N), and (O) of section 3317.023, and division (C) of section~~ 20186  
~~3317.20~~ (T) "State education aid" has the same meaning as in 20187  
section 5751.20 of the Revised Code. 20188

~~(X)~~(U) "Property exemption value" means zero in fiscal year 20189  
2006, and in fiscal year 2007 and each fiscal year thereafter, the 20190  
amount certified for a school district under divisions (A)(6) and 20191  
(7) of section 3317.021 of the Revised Code. 20192

(V) "Internet- or computer-based community school" has the 20193  
same meaning as in section 3314.02 of the Revised Code. 20194

**Sec. 3317.021.** (A) On or before the first day of June of each 20195  
year, the tax commissioner shall certify to the department of 20196  
education and the office of budget and management the information 20197  
described in divisions (A)(1) to (8) of this section for each 20198  
city, exempted village, and local school district, and the 20199  
information required by divisions (A)(1) and (2) of this section 20200  
for each joint vocational school district, and it shall be used, 20201  
along with the information certified under division (B) of this 20202  
section, in making the computations for the district under 20203  
sections 3317.022, 3317.0216, and 3317.0217 or section 3317.16 of 20204  
the Revised Code. 20205

(1) The taxable value of real and public utility real 20206  
property in the school district subject to taxation in the 20207  
preceding tax year, by class and by county of location. 20208

(2) The taxable value of tangible personal property, 20209  
including public utility personal property, subject to taxation by 20210  
the district for the preceding tax year. 20211

(3)(a) The total property tax rate and total taxes charged 20212  
and payable for the current expenses for the preceding tax year 20213  
and the total property tax rate and the total taxes charged and 20214  
payable to a joint vocational district for the preceding tax year 20215  
that are limited to or to the extent apportioned to current 20216  
expenses. 20217

(b) The portion of the amount of taxes charged and payable 20218  
reported for each city, local, and exempted village school 20219  
district under division (A)(3)(a) of this section attributable to 20220  
a joint vocational school district. 20221

(4) The value of all real and public utility real property in 20222

the school district exempted from taxation minus both of the 20223  
following: 20224

(a) The value of real and public utility real property in the 20225  
district owned by the United States government and used 20226  
exclusively for a public purpose; 20227

(b) The value of real and public utility real property in the 20228  
district exempted from taxation under Chapter 725. or 1728. or 20229  
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 20230  
5709.73, or 5709.78 of the Revised Code. 20231

(5) The total federal adjusted gross income of the residents 20232  
of the school district, based on tax returns filed by the 20233  
residents of the district, for the most recent year for which this 20234  
information is available. 20235

(6) The sum of the school district compensation value as 20236  
indicated on the list of exempted property for the preceding tax 20237  
year under section 5713.08 of the Revised Code as if such property 20238  
had been assessed for taxation that year and the other 20239  
compensation value for the school district, minus the amounts 20240  
described in divisions (A)(6)(c) to (i) of this section. The 20241  
portion of school district compensation value or other 20242  
compensation value attributable to an incentive district exemption 20243  
may be subtracted only once even if that incentive district 20244  
satisfies more than one of the criteria in divisions (A)(6)(c) to 20245  
(i) of this section. 20246

(a) "School district compensation value" means the aggregate 20247  
value of real property in the school district exempted from 20248  
taxation pursuant to an ordinance or resolution adopted under 20249  
division (C) of section 5709.40, division (C) of section 5709.73, 20250  
or division (B) of section 5709.78 of the Revised Code to the 20251  
extent that the exempted value results in the charging of payments 20252  
in lieu of taxes required to be paid to the school district under 20253

division (D)(1) or (2) of section 5709.40, division (D) of section 20254  
5709.73, or division (C) of section 5709.78 of the Revised Code. 20255

(b) "Other compensation value" means the quotient that 20256  
results from dividing (i) the dollar value of compensation 20257  
received by the school district during the preceding tax year 20258  
pursuant to division (B), (C), or (D) of section 5709.82 of the 20259  
Revised Code and the amounts received pursuant to an agreement as 20260  
specified in division (D)(2) of section 5709.40, division (D) of 20261  
section 5709.73, or division (C) of section 5709.78 of the Revised 20262  
Code to the extent those amounts were not previously reported or 20263  
included in division (A)(6)(a) of this section, and so that any 20264  
such amount is reported only once under division (A)(6)(b) of this 20265  
section, in relation to exemptions from taxation granted pursuant 20266  
to an ordinance or resolution adopted under division (C) of 20267  
section 5709.40, division (C) of section 5709.73, or division (B) 20268  
of section 5709.78 of the Revised Code, by (ii) the real property 20269  
tax rate in effect for the preceding tax year for 20270  
nonresidential/agricultural real property after making the 20271  
reductions required by section 319.301 of the Revised Code. 20272

(c) The portion of school district compensation value or 20273  
other compensation value that was exempted from taxation pursuant 20274  
to such an ordinance or resolution for the preceding tax year, if 20275  
the ordinance or resolution is adopted prior to January 1, 2006, 20276  
and the legislative authority or board of township trustees or 20277  
county commissioners, prior to January 1, 2006, executes a 20278  
contract or agreement with a developer, whether for-profit or 20279  
not-for-profit, with respect to the development of a project 20280  
undertaken or to be undertaken and identified in the ordinance or 20281  
resolution, and upon which parcels such project is being, or will 20282  
be, undertaken; 20283

(d) The portion of school district compensation value that 20284  
was exempted from taxation for the preceding tax year and for 20285

which payments in lieu of taxes for the preceding tax year were 20286  
provided to the school district under division (D)(1) of section 20287  
5709.40 of the Revised Code. 20288

(e) The portion of school district compensation value that 20289  
was exempted from taxation for the preceding tax year pursuant to 20290  
such an ordinance or resolution, if and to the extent that, on or 20291  
before April 1, 2006, the fiscal officer of the municipal 20292  
corporation that adopted the ordinance, or of the township or 20293  
county that adopted the resolution, certifies and provides 20294  
appropriate supporting documentation to the tax commissioner and 20295  
the director of development that, based on hold-harmless 20296  
provisions in any agreement between the school district and the 20297  
legislative authority of the municipal corporation, board of 20298  
township trustees, or board of county commissioners that was 20299  
entered into on or before June 1, 2005, the ability or obligation 20300  
of the municipal corporation, township, or county to repay bonds, 20301  
notes, or other financial obligations issued or entered into prior 20302  
to January 1, 2006, will be impaired, including obligations to or 20303  
of any other body corporate and politic with whom the legislative 20304  
authority of the municipal corporation or board of township 20305  
trustees or county commissioners has entered into an agreement 20306  
pertaining to the use of service payments derived from the 20307  
improvements exempted; 20308

(f) The portion of school district compensation value that 20309  
was exempted from taxation for the preceding tax year pursuant to 20310  
such an ordinance or resolution, if the ordinance or resolution is 20311  
adopted prior to January 1, 2006, in a municipal corporation with 20312  
a population that exceeds one hundred thousand, as shown by the 20313  
most recent federal decennial census, that includes a major 20314  
employment center and that is adjacent to historically distressed 20315  
neighborhoods, if the legislative authority of the municipal 20316  
corporation that exempted the property prepares an economic 20317

analysis that demonstrates that all taxes generated within the 20318  
incentive district accruing to the state by reason of improvements 20319  
constructed within the district during its existence exceed the 20320  
amount the state pays the school district under section 3317.022 20321  
of the Revised Code attributable to such property exemption from 20322  
the school district's recognized valuation. The analysis shall be 20323  
submitted to and approved by the department of development prior 20324  
to January 1, 2006, and the department shall not unreasonably 20325  
withhold approval. 20326

(g) The portion of school district compensation value that 20327  
was exempted from taxation for the preceding tax year under such 20328  
an ordinance or resolution, if the ordinance or resolution is 20329  
adopted prior to January 1, 2006, and if service payments have 20330  
been pledged to be used for mixed-use riverfront entertainment 20331  
development in any county with a population that exceeds six 20332  
hundred thousand, as shown by the most recent federal decennial 20333  
census; 20334

(h) The portion of school district compensation value that 20335  
was exempted from taxation for the preceding tax year under such 20336  
an ordinance or resolution, if, prior to January 1, 2006, the 20337  
legislative authority of a municipal corporation, board of 20338  
township trustees, or board of county commissioners has pledged 20339  
service payments for a designated transportation capacity project 20340  
approved by the transportation review advisory council under 20341  
Chapter 5512. of the Revised Code; 20342

(i) The portion of school district compensation value that 20343  
was exempted from taxation for the preceding tax year under such 20344  
an ordinance or resolution if the legislative authority of a 20345  
municipal corporation, board of township trustees, or board of 20346  
county commissioners have, by January 1, 2006, pledged proceeds 20347  
for designated transportation improvement projects that involve 20348  
federal funds for which the proceeds are used to meet a local 20349

share match requirement for such funding. 20350

As used in division (A)(6) of this section, "project" has the 20351  
same meaning as in section 5709.40 of the Revised Code. 20352

(7) The aggregate value of real property in the school 20353  
district for which an exemption from taxation is granted by an 20354  
ordinance or resolution adopted on or after January 1, 2006, under 20355  
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 20356  
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 20357  
Code, as indicated on the list of exempted property for the 20358  
preceding tax year under section 5713.08 of the Revised Code and 20359  
as if such property had been assessed for taxation that year, 20360  
minus the product determined by multiplying (a) the aggregate 20361  
value of the real property in the school district exempted from 20362  
taxation for the preceding tax year under any of the chapters or 20363  
sections specified in this division, by (b) a fraction, the 20364  
numerator of which is the difference between (i) the amount of 20365  
anticipated revenue such school district would have received for 20366  
the preceding tax year if the real property exempted from taxation 20367  
had not been exempted from taxation and (ii) the aggregate amount 20368  
of payments in lieu of taxes on the exempt real property for the 20369  
preceding tax year and other compensation received for the 20370  
preceding tax year by the school district pursuant to any 20371  
agreements entered into on or after January 1, 2006, under section 20372  
5709.82 of the Revised Code between the school district and the 20373  
legislative authority of a political subdivision that acted under 20374  
the authority of a chapter or statute specified in this division, 20375  
that were entered into in relation to such exemption, and the 20376  
denominator of which is the amount of anticipated revenue such 20377  
school district would have received in the preceding fiscal year 20378  
if the real property exempted from taxation had not been exempted. 20379

(8) For each school district receiving payments under 20380  
division (B) or (C) of section 3317.0216 of the Revised Code 20381

during the current fiscal year, as included on the most recent 20382  
list of such districts sent to the tax commissioner under division 20383  
(F) of that section, the following: 20384

(a) The portion of the total amount of taxes charged and 20385  
payable for current expenses certified under division (A)(3)(a) of 20386  
this section that is attributable to each new levy approved and 20387  
charged in the preceding tax year and the respective tax rate of 20388  
each of those new levies; 20389

(b) The portion of the total taxes collected for current 20390  
expenses under a school district income tax adopted pursuant to 20391  
section 5748.03 or 5748.08 of the Revised Code, as certified under 20392  
division (A)(2) of section 3317.08 of the Revised Code, that is 20393  
attributable to each new school district income tax first 20394  
effective in the current taxable year or in the preceding taxable 20395  
year. 20396

(B) On or before the first day of May each year, the tax 20397  
commissioner shall certify to the department of education and the 20398  
office of budget and management the total taxable real property 20399  
value of railroads and, separately, the total taxable tangible 20400  
personal property value of all public utilities for the preceding 20401  
tax year, by school district and by county of location. 20402

(C) If a public utility has properly and timely filed a 20403  
petition for reassessment under section 5727.47 of the Revised 20404  
Code with respect to an assessment issued under section 5727.23 of 20405  
the Revised Code affecting taxable property apportioned by the tax 20406  
commissioner to a school district, the taxable value of public 20407  
utility tangible personal property included in the certification 20408  
under divisions (A)(2) and (B) of this section for the school 20409  
district shall include only the amount of taxable value on the 20410  
basis of which the public utility paid tax for the preceding year 20411  
as provided in division (B)(1) or (2) of section 5727.47 of the 20412  
Revised Code. 20413



(D) If on the basis of the information certified under 20414  
division (A) of this section, the department determines that any 20415  
district fails in any year to meet the qualification requirement 20416  
specified in division (A) of section 3317.01 of the Revised Code, 20417  
the department shall immediately request the tax commissioner to 20418  
determine the extent to which any school district income tax 20419  
levied by the district under Chapter 5748. of the Revised Code 20420  
shall be included in meeting that requirement. Within five days of 20421  
receiving such a request from the department, the tax commissioner 20422  
shall make the determination required by this division and report 20423  
the quotient obtained under division (D)(3) of this section to the 20424  
department and the office of budget and management. This quotient 20425  
represents the number of mills that the department shall include 20426  
in determining whether the district meets the qualification 20427  
requirement of division (A) of section 3317.01 of the Revised 20428  
Code. 20429

The tax commissioner shall make the determination required by 20430  
this division as follows: 20431

(1) Multiply one mill times the total taxable value of the 20432  
district as determined in divisions (A)(1) and (2) of this 20433  
section; 20434

(2) Estimate the total amount of tax liability for the 20435  
current tax year under taxes levied by Chapter 5748. of the 20436  
Revised Code that are apportioned to current operating expenses of 20437  
the district; 20438

(3) Divide the amount estimated under division (D)(2) of this 20439  
section by the product obtained under division (D)(1) of this 20440  
section. 20441

(E)(1) On or before June 1, 2006, and the first day of April 20442  
of each year thereafter, the director of development shall report 20443  
to the department of education ~~and~~, the tax commissioner, and the 20444

director of budget and management the total amounts of payments 20445  
received by each city, local, exempted village, or joint 20446  
vocational school district for the preceding tax year pursuant to 20447  
division (D) of section 5709.40, division (D) of section 5709.73, 20448  
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 20449  
or (D) of section 5709.82 of the Revised Code in relation to 20450  
exemptions from taxation granted pursuant to an ordinance adopted 20451  
by the legislative authority of a municipal corporation under 20452  
division (C) of section 5709.40 of the Revised Code, or a 20453  
resolution adopted by a board of township trustees or board of 20454  
county commissioners under division (C) of section 5709.73 or 20455  
division (B) of section 5709.78 of the Revised Code, respectively. 20456  
On or before April 1, 2006, and the first day of March of each 20457  
year thereafter, the treasurer of each city, local, exempted 20458  
village, or joint vocational school district that has entered into 20459  
such an agreement shall report to the director of development the 20460  
total amounts of such payments the district received for the 20461  
preceding tax year as provided in this section. The state board of 20462  
education, in accordance with sections 3319.31 and 3319.311 of the 20463  
Revised Code, may suspend or revoke the license of a treasurer 20464  
found to have willfully reported erroneous, inaccurate, or 20465  
incomplete data under this division. 20466

(2) On or before April 1, 2007, and the first day of April of 20467  
each year thereafter, the director of development shall report to 20468  
the department of education ~~and to~~, the tax commissioner, and the 20469  
director of budget and management the total amounts of payments 20470  
received by each city, local, exempted village, or joint 20471  
vocational school district for the preceding tax year pursuant to 20472  
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 20473  
in relation to exemptions from taxation granted pursuant to 20474  
ordinances or resolutions adopted on or after January 1, 2006, 20475  
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 20476  
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 20477

Revised Code. On or before March 1, 2007, and the first day of 20478  
March of each year thereafter, the treasurer of each city, local, 20479  
exempted village, or joint vocational school district that has 20480  
entered into such an agreement shall report to the director of 20481  
development the total amounts of such payments the district 20482  
received for the preceding tax year as provided by this section. 20483  
The state board of education, in accordance with sections 3319.31 20484  
and 3319.311 of the Revised Code, may suspend or revoke the 20485  
license of a treasurer found to have willfully reported erroneous, 20486  
inaccurate, or incomplete data under this division. 20487

**Sec. 3317.022.** (A)(1) The department of education shall 20488  
compute and distribute state base cost funding to each eligible 20489  
school district for the fiscal year using the ~~information obtained~~ 20490  
~~under section 3317.021 of the Revised Code in the calendar year in~~ 20491  
~~which the fiscal year begins.~~ 20492

~~(1) Compute the following for each eligible district formula:~~ 20493  
~~{[cost of doing business factor X~~ 20494  
~~the formula amount X (formula ADM +~~ 20495  
~~preschool scholarship ADM)] +~~ 20496  
~~the sum of the base funding supplements~~ 20497  
~~prescribed in divisions (C)(1) to (4)~~ 20498  
~~of section 3317.012 of the Revised Code} -~~ 20499  
 ~~[.023 x (the sum of recognized valuation~~ 20500  
~~and property exemption value)] ±~~ 20501  
~~the amounts calculated for the district under~~ 20502  
~~sections 3317.029 and 3317.0217 of the Revised Code~~ 20503

If the difference obtained is a negative number, the 20504  
district's computation shall be zero. 20505

~~(2) Compute both of the following for each school district:~~ 20506

~~(a) The difference of (i) the district's fiscal year 2005~~ 20507  
~~base cost payment under the version of division (A)(1) of this~~ 20508

~~section in effect in fiscal year 2005, minus (ii) the amount 20509  
computed for the district for the current fiscal year under 20510  
current division (A)(1) of this section; 20511~~

~~(b) The following amount: 20512~~

~~{(fiscal year 2005 base cost payment/fiscal 20513~~

~~year 2005 formula ADM) X 20514~~

~~(current year formula ADM + preschool scholarship ADM)} 20515~~

~~minus the amount computed for the district 20516~~

~~under current division (A)(1) of this section 20517~~

~~If one of the amounts computed under division (A)(2)(a) or 20518~~

~~(b) of this section is a positive amount, the department shall pay 20519~~

~~the district that amount in addition to the amount calculated 20520~~

~~under division (A)(1) of this section. If both amounts are 20521~~

~~positive amounts, the department shall pay the district the lesser 20522~~

~~of the two amounts in addition to the amount calculated under 20523~~

~~division (A)(1) of this section. 20524~~

~~(3)(a) For each school district for which the tax exempt 20525~~

~~value of the district equals or exceeds twenty-five per cent of 20526~~

~~the potential value of the district, the department of education 20527~~

~~shall calculate the difference between the district's tax exempt 20528~~

~~value and twenty-five per cent of the district's potential value. 20529~~

~~(b) For each school district to which division (A)(3)(2)(a) 20530~~

~~of this section applies, the department shall adjust the 20531~~

~~recognized valuation used in the calculation under division (A)(1) 20532~~

~~of this section by subtracting from it the amount calculated under 20533~~

~~division (A)(3)(2)(a) of this section. 20534~~

~~(B) As used in this section: 20535~~

~~(1) The "total special education weight" for a district means 20536~~

~~the sum of the following amounts: 20537~~

~~(a) The district's category one special education ADM 20538~~

~~multiplied by the multiple specified in division (A) of section 20539~~

3317.013 of the Revised Code;	20540
(b) The district's category two special education ADM	20541
multiplied by the multiple specified in division (B) of section	20542
3317.013 of the Revised Code;	20543
(c) The district's category three special education ADM	20544
multiplied by the multiple specified in division (C) of section	20545
3317.013 of the Revised Code;	20546
(d) The district's category four special education ADM	20547
multiplied by the multiple specified in division (D) of section	20548
3317.013 of the Revised Code;	20549
(e) The district's category five special education ADM	20550
multiplied by the multiple specified in division (E) of section	20551
3317.013 of the Revised Code;	20552
(f) The district's category six special education ADM	20553
multiplied by the multiple specified in division (F) of section	20554
3317.013 of the Revised Code.	20555
(2) "State share percentage" means the percentage calculated	20556
for a district as follows:	20557
(a) Calculate the state base cost funding amount for the	20558
district for the fiscal year under division (A) of this section.	20559
If the district would not receive any state base cost funding for	20560
that year under that division, the district's state share	20561
percentage is zero.	20562
(b) If the district would receive state base cost funding	20563
under that division, divide that amount by an amount equal to the	20564
following:	20565
<del>(Cost of doing business factor X</del>	20566
the formula amount X formula ADM) +	20567
the sum of the base funding supplements	20568
prescribed in divisions (C)(1) to (4)	20569

of section 3317.012 of the Revised Code ± 20570  
the sum of the amounts calculated for the district under 20571  
sections 3317.029 and 3317.0217 of the Revised Code 20572

The resultant number is the district's state share 20573  
percentage. 20574

(3) "Related services" includes: 20575

(a) Child study, special education supervisors and 20576  
coordinators, speech and hearing services, adaptive physical 20577  
development services, occupational or physical therapy, teacher 20578  
assistants for handicapped children whose handicaps are described 20579  
in division (B) of section 3317.013 or division (F)(3) of section 20580  
3317.02 of the Revised Code, behavioral intervention, interpreter 20581  
services, work study, nursing services, and specialized 20582  
integrative services as those terms are defined by the department; 20583

(b) Speech and language services provided to any student with 20584  
a handicap, including any student whose primary or only handicap 20585  
is a speech and language handicap; 20586

(c) Any related service not specifically covered by other 20587  
state funds but specified in federal law, including but not 20588  
limited to, audiology and school psychological services; 20589

(d) Any service included in units funded under former 20590  
division (O)(1) of section ~~3317.023~~ 3317.024 of the Revised Code; 20591

(e) Any other related service needed by handicapped children 20592  
in accordance with their individualized education plans. 20593

(4) The "total vocational education weight" for a district 20594  
means the sum of the following amounts: 20595

(a) The district's category one vocational education ADM 20596  
multiplied by the multiple specified in division (A) of section 20597  
3317.014 of the Revised Code; 20598

(b) The district's category two vocational education ADM 20599

multiplied by the multiple specified in division (B) of section 20600  
3317.014 of the Revised Code. 20601

(5) "Preschool scholarship ADM" means the number of 20602  
handicapped preschool children reported under division (B)(3)(h) 20603  
of section 3317.03 of the Revised Code. 20604

(C)(1) The department shall compute and distribute state 20605  
special education and related services additional weighted costs 20606  
funds to each school district in accordance with the following 20607  
formula: 20608

The district's state share percentage X 20609  
the formula amount for the year for which 20610  
the aid is calculated X the district's 20611  
total special education weight 20612

(2) The attributed local share of special education and 20613  
related services additional weighted costs equals: 20614

(1 - the district's state share percentage) X the district's 20615  
total special education weight X the formula amount 20616

(3)(a) The department shall compute and pay in accordance 20617  
with this division additional state aid to school districts for 20618  
students in categories two through six special education ADM. If a 20619  
district's costs for the fiscal year for a student in its 20620  
categories two through six special education ADM exceed the 20621  
threshold catastrophic cost for serving the student, the district 20622  
may submit to the superintendent of public instruction 20623  
documentation, as prescribed by the superintendent, of all its 20624  
costs for that student. Upon submission of documentation for a 20625  
student of the type and in the manner prescribed, the department 20626  
shall pay to the district an amount equal to the sum of the 20627  
following: 20628

(i) One-half of the district's costs for the student in 20629  
excess of the threshold catastrophic cost; 20630

(ii) 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.

(b) For purposes of division (C)(3)(a) of this section, the threshold catastrophic cost for serving a student equals:

(i) For a student in the school district's category two, three, four, or five special education ADM, ~~twenty-five thousand dollars in fiscal year 2002, twenty-five thousand seven hundred dollars in fiscal years 2003, 2004, and 2005, and twenty-six thousand five hundred dollars in fiscal years 2006 and 2007~~ twenty-seven thousand three hundred seventy-five dollars in fiscal years 2008 and 2009;

(ii) For a student in the district's category six special education ADM, ~~thirty thousand dollars in fiscal year 2002, thirty thousand eight hundred forty dollars in fiscal years 2003, 2004, and 2005, and thirty one thousand eight hundred dollars in fiscal years 2006 and 2007~~ thirty-two thousand eight hundred fifty dollars in fiscal years 2008 and 2009.

(c) The district shall only report under division (C)(3)(a) 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.

(4)(a) As used in this division, the "personnel allowance" means thirty thousand dollars in fiscal years ~~2002, 2003, 2004, 2005, 2006, and 2007~~ 2008 and 2009.

(b) For the provision of speech language pathology services to students, including students who do not have individualized education programs prepared for them under Chapter 3323. of the



Revised Code, and for no other purpose, the department of 20662  
education shall pay each school district an amount calculated 20663  
under the following formula: 20664

(formula ADM divided by 2000) X 20665  
the personnel allowance X 20666  
the state share percentage 20667

(5) In any fiscal year, a school district shall spend for 20668  
purposes that the department designates as approved for special 20669  
education and related services expenses at least the amount 20670  
calculated as follows: 20671

~~(cost of doing business factor X~~ 20672  
formula amount X the sum of categories 20673  
one through six special education ADM) + 20674  
(total special education weight X formula amount) 20675

The purposes approved by the department for special education 20676  
expenses shall include, but shall not be limited to, 20677  
identification of handicapped children, compliance with state 20678  
rules governing the education of handicapped children and 20679  
prescribing the continuum of program options for handicapped 20680  
children, provision of speech language pathology services, and the 20681  
portion of the school district's overall administrative and 20682  
overhead costs that are attributable to the district's special 20683  
education student population. 20684

The scholarships deducted from the school district's account 20685  
under section 3310.41 or 3310.55 of the Revised Code shall be 20686  
considered to be an approved special education and related 20687  
services expense for the purpose of the school district's 20688  
compliance with division (C)(5) of this section. 20689

The department shall require school districts to report data 20690  
annually to allow for monitoring compliance with division (C)(5) 20691  
of this section. The department shall annually report to the 20692  
governor and the general assembly the amount of money spent by 20693

each school district for special education and related services. 20694

(6) In any fiscal year, a school district shall spend for the 20695  
provision of speech language pathology services not less than the 20696  
sum of the amount calculated under division (C)(1) of this section 20697  
for the students in the district's category one special education 20698  
ADM and the amount calculated under division (C)(4) of this 20699  
section. 20700

The scholarships deducted from the school district's account 20701  
under section 3310.55 of the Revised Code for students counted in 20702  
the district's category one special education ADM shall be 20703  
considered to be an approved speech language pathology services 20704  
expense for the purpose of the school district's compliance with 20705  
division (C)(6) of this section. 20706

(D)(1) As used in this division: 20707

~~(a) "Daily bus miles per student" equals the number of bus 20708~~  
~~miles traveled per day, divided by transportation base. 20709~~

~~(b) "Transportation base" equals total student count as 20710~~  
~~defined in section 3301.011 of the Revised Code, minus the number 20711~~  
~~of students enrolled in preschool handicapped units, plus the 20712~~  
~~number of nonpublic school students included in transportation 20713~~  
~~ADM. 20714~~

~~(c) "Transported student percentage" equals transportation 20715~~  
~~ADM divided by transportation base. 20716~~

~~(d) "Transportation cost per student" equals total operating 20717~~  
~~costs for board owned or contractor operated school buses divided 20718~~  
~~by transportation base. 20719~~

~~(2) Analysis of student transportation cost data has resulted 20720~~  
~~in a finding that an average efficient transportation use cost per 20721~~  
~~student can be calculated by means of a regression formula that 20722~~  
~~has as its two independent variables the number of daily bus miles 20723~~

~~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:~~

$$\begin{aligned} & 51.79027 + (139.62626 \times \text{daily bus miles per student}) + \\ & (116.25573 \times \text{transported student percentage}) \end{aligned}$$

~~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%
2001	55%

2002 57.5% 20756

~~2003 and thereafter The greater of 60% or the 20757  
district's state share  
percentage~~

~~The payments made under division (D)(3) of this section each 20758  
year shall be calculated based on all of the same prior year's 20759  
data used to update the formula. 20760~~

~~(4) In addition to funds paid under divisions (D)(2) and (3) 20761  
of this section, a school district shall receive a rough road 20762  
subsidy if both of the following apply: 20763~~

~~(a) Its county rough road percentage is higher than the 20764  
statewide rough road percentage, as those terms are defined in 20765  
division (D)(5) of this section: 20766~~

~~(b) Its district student density is lower than the statewide 20767  
student density, as those terms are defined in that division. 20768~~

~~(5) The rough road subsidy paid to each district meeting the 20769  
qualifications of division (D)(4) of this section shall be 20770  
calculated in accordance with the following formula: 20771~~

~~(per rough mile subsidy X total rough road miles) 20772  
X density multiplier 20773~~

~~where: 20774~~

~~(a) "Per rough mile subsidy" equals the amount calculated in 20775  
accordance with the following formula: 20776~~

~~$0.75 \times \{0.75 \times [(\text{maximum rough road percentage} - 20777  
county rough road percentage) / (\text{maximum rough road 20778  
percentage} - \text{statewide rough road percentage})]\}$  20779~~

~~(i) "Maximum rough road percentage" means the highest county 20780  
rough road percentage in the state. 20781~~

~~(ii) "County rough road percentage" equals the percentage of 20782  
the mileage of state, municipal, county, and township roads that 20783~~

~~is rated by the department of transportation as type A, B, C, E2, 20784  
or F in the county in which the school district is located or, if 20785  
the district is located in more than one county, the county to 20786  
which it is assigned for purposes of determining its 20787  
cost of doing business factor. 20788~~

~~(iii) "Statewide rough road percentage" means the percentage 20789  
of the statewide total mileage of state, municipal, county, and 20790  
township roads that is rated as type A, B, C, E2, or F by the 20791  
department of transportation. 20792~~

~~(b) "Total rough road miles" means a school district's total 20793  
bus miles traveled in one year times its county rough road 20794  
percentage. 20795~~

~~(c) "Density multiplier" means a figure calculated in 20796  
accordance with the following formula: 20797~~

$$\begin{aligned} & \frac{1}{\left[ \frac{\text{minimum student density} - \text{district student}}{\text{density}} \right] / \left( \frac{\text{minimum student density} -}{\text{statewide student density}} \right)} \end{aligned}$$

20798  
20799  
20800

~~(i) "Minimum student density" means the lowest district 20801  
student density in the state. 20802~~

~~(ii) "District student density" means a school district's 20803  
transportation base divided by the number of square miles in the 20804  
district. 20805~~

~~(iii) "Statewide student density" means the sum of the 20806  
transportation bases for all school districts divided by the sum 20807  
of the square miles in all school districts. 20808~~

~~(6)(a) "Total cost of transportation" is equal to the cost of 20809  
transporting qualifying riders using the following types of 20810  
transportation: 20811~~

~~(i) Board-owned, leased, and operated school buses; 20812~~

~~(ii) School bus service contracted from another school, 20813~~

including transportation in a consortium arrangement on buses 20814  
managed and reported by another district or entity; 20815

(iii) Contractor-owned, leased, and operated school buses. 20816

(b) "Qualifying riders" are students transported living over 20817  
one mile from school in grades kindergarten through twelve, 20818  
including students with dual enrollment in a joint vocational or 20819  
cooperative education district, nonpublic school students, and 20820  
community school students. Only students eligible for a 20821  
transportation payment under section 3327.01 of the Revised Code 20822  
shall be included in this count. This count shall be determined as 20823  
the average number of students transported during the first full 20824  
week of October, and reported as required by the department of 20825  
education. Adjustments to this count may be made only in 20826  
accordance with rules adopted by the department. 20827

(c) "Nontraditional riders" are those qualifying riders being 20828  
educated in a community school or a nonpublic school. 20829

(d) "Total miles" is the total miles driven for all types of 20830  
transportation as listed under division (D)(1)(a) of this section. 20831

(e) "Transportation state share percentage" is the district's 20832  
state share percentage, as defined in division (B)(2) of this 20833  
section, as determined by the department for the district's second 20834  
June state education aid payment of the previous fiscal year. 20835

(f) "Assigned bus" means a bus used for transporting regular 20836  
education qualifying riders. 20837

(2) For each school district, the department shall determine 20838  
the statewide average cost per student as follows: 20839

(a) Determine the district's cost per student by dividing the 20840  
total costs of transportation in the previous fiscal year by total 20841  
qualifying riders in the previous fiscal year for each district. 20842

(b) Exclude from the determination under division (D)(2)(a) 20843

of this section the ten districts with the highest cost per student and the ten districts with the lowest cost per student. 20844  
20845

(c) After excluding the districts as prescribed in division (D)(2)(b) of this section, determine the statewide average cost per student by dividing the aggregate statewide total costs of transportation by the aggregate statewide total qualifying riders. 20846  
20847  
20848  
20849

(3) For each school district, the department shall determine the statewide average cost per mile as follows: 20850  
20851

(a) Determine the district's cost per mile by dividing the total costs of transportation in the previous fiscal year by the total miles in the previous fiscal year for each district. 20852  
20853  
20854

(b) Exclude from the determination made under division (D)(3)(a) of this section, the ten districts with the highest cost per mile and the ten districts with the lowest cost per mile. 20855  
20856  
20857

(c) After excluding the districts as prescribed in division (D)(3)(b) of this section, determine the statewide average cost per mile by dividing the aggregate statewide total miles for all districts by the aggregate statewide total qualifying riders. 20858  
20859  
20860  
20861

(4) For each school district, the department shall determine each district's base calculation as follows: 20862  
20863

(a) Determine the per student base by multiplying the state average cost per student as determined under division (D)(2)(a) of this section by the district's current year total qualifying riders. 20864  
20865  
20866  
20867

(b) Determine the per mile base by multiplying the state average cost per mile as determined under division (D)(3)(a) of this section by the district's current year total miles. 20868  
20869  
20870

(c) Determine the current year base by multiplying the greater of the amount determined under division (D)(4)(a) or (b) of this section by the greater of sixty per cent or the district's 20871  
20872  
20873

transportation state share percentage as defined under division 20874  
(D)(1) of this section. 20875

(5) For each school district, the department calculate the 20876  
district's nontraditional student adjustment as follows: 20877

(a) Determine the district's nontraditional student ratio by 20878  
dividing total nontraditional riders by total qualifying riders. 20879

(b) Multiply the ratio determined under division (D)(5)(a) of 20880  
this section by 0.1. 20881

(c) Multiply the product calculated under division (D)(5)(b) 20882  
of this section by the district's current year base. 20883

(6) If a district provides any of the types of transportation 20884  
listed in division (D)(1)(a) of this section to all of its high 20885  
school students, the department shall multiply the district's 20886  
current year base by 0.025. 20887

(7) If a district provides any of the types of transportation 20888  
listed in division (D)(1)(a) of this section to students in grades 20889  
kindergarten to eight living less than two miles from school but 20890  
greater than one mile from school, the district's current year 20891  
base shall be multiplied by 0.025. 20892

(8) For each school district, the department shall calculate 20893  
an adjustment based upon efficiency. "Efficiency" means the 20894  
ability to exceed a target number of riders per assigned bus. The 20895  
target value shall be recalculated each year based upon current 20896  
year data, and based upon the median riders per assigned bus. 20897

(a) Each district's efficiency target shall be adjusted based 20898  
upon its ridership density, using a formula that compares its 20899  
ridership density with other districts, and adjusts the ridership 20900  
target based upon that relative density. 20901

(b) The efficiency index for each district shall be 20902  
determined by dividing each district's current year qualifying 20903



riders per assigned bus by its target riders per assigned bus. 20904

(c) The efficiency adjustment for each district shall be as follows: 20905  
20906

(i) If the district's efficiency index is greater than or equal to 1.5, the efficiency adjustment is ten per cent times the current year base. 20907  
20908  
20909

(ii) If the district's efficiency index is less than 1.5 but greater than or equal to 1.0, the district's efficiency adjustment is as follows: 20910  
20911  
20912

[(the district's efficiency index minus one) divided by five] times the current year base. 20913  
20914

(iii) If the district's efficiency index is less than 1.0, the district's efficiency adjustment is zero. 20915  
20916

(d) The department shall publish on its web site the efficiency index for each district and the details of how the index was calculated. 20917  
20918  
20919

(9) Each district shall be paid the lesser of the amount described in division (D)(9)(a) or (b) of this section: 20920  
20921

(a) The sum of the amounts determined under divisions (D)(4)(c), (5)(c), (6), (7), and (8)(c) of this section; 20922  
20923

(b) The district's total actual cost from the prior fiscal year. 20924  
20925

(10) In addition to funds paid under ~~divisions (D)(2) to (5)~~ division (D)(9) of this section, each district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than board-owned or contractor-operated buses and whose transportation is not funded under division (G) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students. 20926  
20927  
20928  
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20933

(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:

$$\frac{\text{state share percentage X the formula amount X}}{\text{total vocational education weight}}$$

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.

(2) The department shall compute for each school district state funds for vocational education associated services in accordance with the following formula:

$$\frac{\text{state share percentage X .05 X the formula amount X}}{\text{the sum of categories one and two vocational education ADM}}$$

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 designated by the department. The department may deny payment under division (E)(2) of this section to any district that the

department determines is not operating those services or is using 20966  
funds paid under division (E)(2) of this section, or through a 20967  
transfer of funds pursuant to division (L) of section 3317.023 of 20968  
the Revised Code, for other purposes. 20969

(F) The actual local share in any fiscal year for the 20970  
combination of special education and related services additional 20971  
weighted costs funding calculated under division (C)(1) of this 20972  
section, transportation funding calculated under divisions (D)(2) 20973  
and (3) of this section, and vocational education and associated 20974  
services additional weighted costs funding calculated under 20975  
divisions (E)(1) and (2) of this section shall not exceed for any 20976  
school district the product of three and three-tenths mills times 20977  
the district's recognized valuation. The department annually shall 20978  
pay each school district as an excess cost supplement any amount 20979  
by which the sum of the district's attributed local shares for 20980  
that funding exceeds that product. For purposes of calculating the 20981  
excess cost supplement: 20982

(1) The attributed local share for special education and 20983  
related services additional weighted costs funding is the amount 20984  
specified in division (C)(2) of this section. 20985

(2) The attributed local share of transportation funding 20986  
~~equals the difference of the total amount calculated for the~~ 20987  
~~district using the formula developed under division (D)(2) of this~~ 20988  
~~section minus the actual amount paid to the district after~~ 20989  
~~applying the percentage specified in division (D)(3) of this~~ 20990  
~~section~~ one hundred one per cent of the district's local share of 20991  
transportation funding calculated by the department for the 20992  
previous fiscal year. 20993

(3) The attributed local share of vocational education and 20994  
associated services additional weighted costs funding is the 20995  
amount determined as follows: 20996

(1 - state share percentage) X	20997
[(total vocational education weight X	20998
the formula amount) + the payment under	20999
division (E)(2) of this section]	21000
<b>Sec. 3317.023.</b> (A) Notwithstanding section 3317.022 of the	21001
Revised Code, the amounts required to be paid to a district under	21002
this chapter shall be adjusted by the amount of the computations	21003
made under divisions (B) to <del>(O)</del> (P) of this section.	21004
As used in this section:	21005
(1) "Classroom teacher" means a licensed employee who	21006
provides direct instruction to pupils, excluding teachers funded	21007
from money paid to the district from federal sources; educational	21008
service personnel; and vocational and special education teachers.	21009
(2) "Educational service personnel" shall not include such	21010
specialists funded from money paid to the district from federal	21011
sources or assigned full-time to vocational or special education	21012
students and classes and may only include those persons employed	21013
in the eight specialist areas in a pattern approved by the	21014
department of education under guidelines established by the state	21015
board of education.	21016
(3) "Annual salary" means the annual base salary stated in	21017
the state minimum salary schedule for the performance of the	21018
teacher's regular teaching duties that the teacher earns for	21019
services rendered for the first full week of October of the fiscal	21020
year for which the adjustment is made under division (C) of this	21021
section. It shall not include any salary payments for supplemental	21022
teachers contracts.	21023
(4) "Regular student population" means the formula ADM plus	21024
the number of students reported as enrolled in the district	21025
pursuant to division (A)(1) of section 3313.981 of the Revised	21026
Code; minus the number of students reported under division (A)(2)	21027

of section 3317.03 of the Revised Code; minus the FTE of students 21028  
reported under division (B)(6), (7), (8), (9), (10), (11), or (12) 21029  
of that section who are enrolled in a vocational education class 21030  
or receiving special education; and minus twenty per cent of the 21031  
students enrolled concurrently in a joint vocational school 21032  
district. 21033

(5) "State share percentage" has the same meaning as in 21034  
section 3317.022 of the Revised Code. 21035

(6) "VEPD" means a school district or group of school 21036  
districts designated by the department of education as being 21037  
responsible for the planning for and provision of vocational 21038  
education services to students within the district or group. 21039

(7) "Lead district" means a school district, including a 21040  
joint vocational school district, designated by the department as 21041  
a VEPD, or designated to provide primary vocational education 21042  
leadership within a VEPD composed of a group of districts. 21043

(B) If the district employs less than one full-time 21044  
equivalent classroom teacher for each twenty-five pupils in the 21045  
regular student population in any school district, deduct the sum 21046  
of the amounts obtained from the following computations: 21047

(1) Divide the number of the district's full-time equivalent 21048  
classroom teachers employed by one twenty-fifth; 21049

(2) Subtract the quotient in (1) from the district's regular 21050  
student population; 21051

(3) Multiply the difference in (2) by seven hundred fifty-two 21052  
dollars. 21053

(C) If a positive amount, add one-half of the amount obtained 21054  
by multiplying the number of full-time equivalent classroom 21055  
teachers by: 21056

(1) The mean annual salary of all full-time equivalent 21057

classroom teachers employed by the district at their respective 21058  
training and experience levels minus; 21059

(2) The mean annual salary of all such teachers at their 21060  
respective levels in all school districts receiving payments under 21061  
this section. 21062

The number of full-time equivalent classroom teachers used in 21063  
this computation shall not exceed one twenty-fifth of the 21064  
district's regular student population. In calculating the 21065  
district's mean salary under this division, those full-time 21066  
equivalent classroom teachers with the highest training level 21067  
shall be counted first, those with the next highest training level 21068  
second, and so on, in descending order. Within the respective 21069  
training levels, teachers with the highest years of service shall 21070  
be counted first, the next highest years of service second, and so 21071  
on, in descending order. 21072

(D) This division does not apply to a school district that 21073  
has entered into an agreement under division (A) of section 21074  
3313.42 of the Revised Code. Deduct the amount obtained from the 21075  
following computations if the district employs fewer than five 21076  
full-time equivalent educational service personnel, including 21077  
elementary school art, music, and physical education teachers, 21078  
counselors, librarians, visiting teachers, school social workers, 21079  
and school nurses for each one thousand pupils in the regular 21080  
student population: 21081

(1) Divide the number of full-time equivalent educational 21082  
service personnel employed by the district by five 21083  
one-thousandths; 21084

(2) Subtract the quotient in (1) from the district's regular 21085  
student population; 21086

(3) Multiply the difference in (2) by ninety-four dollars. 21087

(E) If a local school district, or a city or exempted village 21088

school district to which a governing board of an educational 21089  
service center provides services pursuant to section 3313.843 of 21090  
the Revised Code, deduct the amount of the payment required for 21091  
the reimbursement of the governing board under section 3317.11 of 21092  
the Revised Code. 21093

(F)(1) If the district is required to pay to or entitled to 21094  
receive tuition from another school district under division (C)(2) 21095  
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 21096  
or if the superintendent of public instruction is required to 21097  
determine the correct amount of tuition and make a deduction or 21098  
credit under section 3317.08 of the Revised Code, deduct and 21099  
credit such amounts as provided in division (J) of section 3313.64 21100  
or section 3317.08 of the Revised Code. 21101

(2) For each child for whom the district is responsible for 21102  
tuition or payment under division (A)(1) of section 3317.082 or 21103  
section 3323.091 of the Revised Code, deduct the amount of tuition 21104  
or payment for which the district is responsible. 21105

(G) If the district has been certified by the superintendent 21106  
of public instruction under section 3313.90 of the Revised Code as 21107  
not in compliance with the requirements of that section, deduct an 21108  
amount equal to ten per cent of the amount computed for the 21109  
district under section 3317.022 of the Revised Code. 21110

(H) If the district has received a loan from a commercial 21111  
lending institution for which payments are made by the 21112  
superintendent of public instruction pursuant to division (E)(3) 21113  
of section 3313.483 of the Revised Code, deduct an amount equal to 21114  
such payments. 21115

(I)(1) If the district is a party to an agreement entered 21116  
into under division (D), (E), or (F) of section 3311.06 or 21117  
division (B) of section 3311.24 of the Revised Code and is 21118  
obligated to make payments to another district under such an 21119

agreement, deduct an amount equal to such payments if the district 21120  
school board notifies the department in writing that it wishes to 21121  
have such payments deducted. 21122

(2) If the district is entitled to receive payments from 21123  
another district that has notified the department to deduct such 21124  
payments under division (I)(1) of this section, add the amount of 21125  
such payments. 21126

(J) If the district is required to pay an amount of funds to 21127  
a cooperative education district pursuant to a provision described 21128  
by division (B)(4) of section 3311.52 or division (B)(8) of 21129  
section 3311.521 of the Revised Code, deduct such amounts as 21130  
provided under that provision and credit those amounts to the 21131  
cooperative education district for payment to the district under 21132  
division (B)(1) of section 3317.19 of the Revised Code. 21133

(K)(1) If a district is educating a student entitled to 21134  
attend school in another district pursuant to a shared education 21135  
contract, compact, or cooperative education agreement other than 21136  
an agreement entered into pursuant to section 3313.842 of the 21137  
Revised Code, credit to that educating district on an FTE basis 21138  
both of the following: 21139

(a) An amount equal to the ~~greater of the following:~~ 21140

~~(i) The fiscal year 2005 formula amount times the fiscal year 21141  
2005 cost of doing business factor of the school district where 21142  
the student is entitled to attend school pursuant to section 21143  
3313.64 or 3313.65 of the Revised Code;~~ 21144

~~(ii) The sum of (the current formula amount times the current 21145  
cost of doing business factor of the school district when the 21146  
student is entitled to attend school pursuant to section 3313.64 21147  
or 3313.65 of the Revised Code) plus the per pupil amount of the 21148  
base funding supplements specified in divisions (C)(1) to (4) of 21149  
section 3317.012 of the Revised Code. 21150~~



(b) An amount equal to the current formula amount times the state share percentage times any multiple applicable to the student pursuant to section 3317.013 or 3317.014 of the Revised Code.

(2) Deduct any amount credited pursuant to division (K)(1) of this section from amounts paid to the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) If the district is required by a shared education contract, compact, or cooperative education agreement to make payments to an educational service center, deduct the amounts from payments to the district and add them to the amounts paid to the service center pursuant to section 3317.11 of the Revised Code.

(L)(1) If a district, including a joint vocational school district, is a lead district of a VEPD, credit to that district the amounts calculated for all the school districts within that VEPD pursuant to division (E)(2) of section 3317.022 of the Revised Code.

(2) Deduct from each appropriate district that is not a lead district, the amount attributable to that district that is credited to a lead district under division (L)(1) of this section.

(M) If the department pays a joint vocational school district under division (G)(4) of section 3317.16 of the Revised Code for excess costs of providing special education and related services to a handicapped student, as calculated under division (G)(2) of that section, the department shall deduct the amount of that payment from the city, local, or exempted village school district that is responsible as specified in that section for the excess costs.

(N)(1) If the district reports an amount of excess cost for special education services for a child under division (C) of

section 3323.14 of the Revised Code, the department shall pay that amount to the district.

(2) If the district reports an amount of excess cost for special education services for a child under division (C) of section 3323.14 of the Revised Code, the department shall deduct that amount from the district of residence of that child.

(O) If the department of job and family services presents to the department of education a payment request through an intrastate transfer voucher for the nonfederal share of reimbursements made to a school district for medicaid services provided by the district, the department of education shall pay the amount of that request to the department of job and family services and shall deduct the amount of that payment from the district.

(P) If the department is required to pay an amount under section 3353.25 of the Revised Code to a school district delivering a course included in the clearinghouse established under section 3353.21 of the Revised Code for a student enrolled in a school district, the department shall deduct that amount from the school district in which the student is enrolled.

**Sec. 3317.024.** In addition to the moneys paid to eligible school districts pursuant to section 3317.022 of the Revised Code, moneys appropriated for the education programs in divisions (A) to (I), (K), (L), and (N) of this section shall be distributed to school districts meeting the requirements of section 3317.01 of the Revised Code; in the case of divisions (G) and (L) of this section, to educational service centers as provided in section 3317.11 of the Revised Code; in the case of divisions (D) and (J) of this section, to county MR/DD boards; in the case of division (N) of this section, to joint vocational school districts; in the case of division (H) of this section, to cooperative education

school districts; and in the case of division (M) of this section, 21213  
to the institutions defined under section 3317.082 of the Revised 21214  
Code providing elementary or secondary education programs to 21215  
children other than children receiving special education under 21216  
section 3323.091 of the Revised Code. The following shall be 21217  
distributed monthly, quarterly, or annually as may be determined 21218  
by the state board of education: 21219

(A) An amount for each island school district and each joint 21220  
state school district for the operation of each high school and 21221  
each elementary school maintained within such district and for 21222  
capital improvements for such schools. Such amounts shall be 21223  
determined on the basis of standards adopted by the state board of 21224  
education. 21225

(B) An amount for each school district operating classes for 21226  
children of migrant workers who are unable to be in attendance in 21227  
an Ohio school during the entire regular school year. The amounts 21228  
shall be determined on the basis of standards adopted by the state 21229  
board of education, except that payment shall be made only for 21230  
subjects regularly offered by the school district providing the 21231  
classes. 21232

(C) An amount for each school district with guidance, 21233  
testing, and counseling programs approved by the state board of 21234  
education. The amount shall be determined on the basis of 21235  
standards adopted by the state board of education. 21236

(D) An amount for the emergency purchase of school buses as 21237  
provided for in section 3317.07 of the Revised Code; 21238

(E) An amount for each school district required to pay 21239  
tuition for a child in an institution maintained by the department 21240  
of youth services pursuant to section 3317.082 of the Revised 21241  
Code, provided the child was not included in the calculation of 21242  
the district's average daily membership for the preceding school 21243

year. 21244

(F) An amount for adult basic literacy education for each 21245  
district participating in programs approved by the state board of 21246  
education. The amount shall be determined on the basis of 21247  
standards adopted by the state board of education. 21248

(G) An amount for the approved cost of transporting eligible 21249  
pupils with disabilities attending a special education program 21250  
approved by the department of education whom it is impossible or 21251  
impractical to transport by regular school bus in the course of 21252  
regular route transportation provided by the district or service 21253  
center. No district or service center is eligible to receive a 21254  
payment under this division for the cost of transporting any pupil 21255  
whom it transports by regular school bus and who is included in 21256  
the district's transportation ADM. The state board of education 21257  
shall establish standards and guidelines for use by the department 21258  
of education in determining the approved cost of such 21259  
transportation for each district or service center. 21260

(H) An amount to each school district, including each 21261  
cooperative education school district, pursuant to section 3313.81 21262  
of the Revised Code to assist in providing free lunches to needy 21263  
children and an amount to assist needy school districts in 21264  
purchasing necessary equipment for food preparation. The amounts 21265  
shall be determined on the basis of rules adopted by the state 21266  
board of education. 21267

(I) An amount to each school district, for each pupil 21268  
attending a chartered nonpublic elementary or high school within 21269  
the district. The amount shall equal the amount appropriated for 21270  
the implementation of section 3317.06 of the Revised Code divided 21271  
by the average daily membership in grades kindergarten through 21272  
twelve in nonpublic elementary and high schools within the state 21273  
as determined during the first full week in October of each school 21274  
year. 21275

(J) An amount for each county MR/DD board, distributed on the 21276  
basis of standards adopted by the state board of education, for 21277  
the approved cost of transportation required for children 21278  
attending special education programs operated by the county MR/DD 21279  
board under section 3323.09 of the Revised Code; 21280

(K) An amount for each school district that establishes a 21281  
mentor teacher program that complies with rules of the state board 21282  
of education. No school district shall be required to establish or 21283  
maintain such a program in any year unless sufficient funds are 21284  
appropriated to cover the district's total costs for the program. 21285

(L) An amount to each school district or educational service 21286  
center for the total number of gifted units approved pursuant to 21287  
section 3317.05 of the Revised Code. The amount for each such unit 21288  
shall be the sum of the minimum salary for the teacher of the 21289  
unit, calculated on the basis of the teacher's training level and 21290  
years of experience pursuant to the salary schedule prescribed in 21291  
the version of section 3317.13 of the Revised Code in effect prior 21292  
to July 1, 2001, plus fifteen per cent of that minimum salary 21293  
amount, plus two thousand six hundred seventy-eight dollars. 21294

(M) An amount to each institution defined under section 21295  
3317.082 of the Revised Code providing elementary or secondary 21296  
education to children other than children receiving special 21297  
education under section 3323.091 of the Revised Code. This amount 21298  
for any institution in any fiscal year shall equal the total of 21299  
all tuition amounts required to be paid to the institution under 21300  
division (A)(1) of section 3317.082 of the Revised Code. 21301

(N) A grant to each school district and joint vocational 21302  
school district that operates a "graduation, reality, and 21303  
dual-role skills" (GRADS) program for pregnant and parenting 21304  
students that is approved by the department. The amount of the 21305  
payment shall be the district's state share percentage, as defined 21306  
in section 3317.022 or 3317.16 of the Revised Code, times the 21307

GRADS personnel allowance times the full-time-equivalent number of 21308  
GRADS teachers approved by the department. The GRADS personnel 21309  
allowance is \$47,555 in fiscal years ~~2004, 2005, 2006, and 2007~~ 21310  
2008 and 2009. 21311

The state board of education or any other board of education 21312  
or governing board may provide for any resident of a district or 21313  
educational service center territory any educational service for 21314  
which funds are made available to the board by the United States 21315  
under the authority of public law, whether such funds come 21316  
directly or indirectly from the United States or any agency or 21317  
department thereof or through the state or any agency, department, 21318  
or political subdivision thereof. 21319

**Sec. 3317.025.** On or before the first day of June of each 21320  
year, the tax commissioner shall certify the following information 21321  
to the department of education and the office of budget and 21322  
management, for each school district in which the value of the 21323  
property described under division (A) of this section exceeds one 21324  
per cent of the taxable value of all real and tangible personal 21325  
property in the district or in which is located tangible personal 21326  
property designed for use or used in strip mining operations, 21327  
whose taxable value exceeds five million dollars, and the taxes 21328  
upon which the district is precluded from collecting by virtue of 21329  
legal proceedings to determine the value of such property: 21330

(A) The total taxable value of all property in the district 21331  
owned by a public utility or railroad that has filed a petition 21332  
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 21333  
(1898), 11 U.S.C. 205, as amended, and all tangible personal 21334  
property in the district designed for use or used in strip mining 21335  
operations whose taxable value exceeds five million dollars upon 21336  
which have not been paid in full on or before the first day of 21337  
April of that calendar year all real and tangible personal 21338

property taxes levied for the preceding calendar year and which 21339  
the district was precluded from collecting by virtue of 21340  
proceedings under section 205 of said act or by virtue of legal 21341  
proceedings to determine the tax liability of such strip mining 21342  
equipment; 21343

(B) The percentage of the total operating taxes charged and 21344  
payable for school district purposes levied against such valuation 21345  
for the preceding calendar year that have not been paid by such 21346  
date; 21347

(C) The product obtained by multiplying the value certified 21348  
under division (A) of this section by the percentage certified 21349  
under division (B) of this section. If the value certified under 21350  
division (A) of this section includes taxable property owned by a 21351  
public utility or railroad that has filed a petition for 21352  
reorganization under the bankruptcy act, the amount used in making 21353  
the calculation under this division shall be reduced by one per 21354  
cent of the total value of all real and tangible personal property 21355  
in the district or the value of the utility's or railroad's 21356  
property, whichever is less. 21357

Upon receipt of the certification, the department shall 21358  
recompute the payments required under section 3317.022 of the 21359  
Revised Code in the manner the payments would have been computed 21360  
if: 21361

(1) The amount certified under division (C) of this section 21362  
was not subject to taxation by the district and was not included 21363  
in the certification made under division (A)(1), (A)(2), or (D) of 21364  
section 3317.021 of the Revised Code. 21365

(2) The amount of taxes charged and payable and unpaid and 21366  
used to make the computation under division (B) of this section 21367  
had not been levied and had not been used in the computation 21368  
required by division (B) of section 3317.021 of the Revised Code. 21369

The department shall pay the district that amount in the ensuing 21370  
fiscal year in lieu of the amounts computed under section 3317.022 21371  
of the Revised Code. 21372

If a school district received a grant from the catastrophic 21373  
expenditures account pursuant to division (C) of section 3316.20 21374  
of the Revised Code on the basis of the same circumstances for 21375  
which a recomputation is made under this section, the amount of 21376  
the recomputation shall be reduced and transferred in accordance 21377  
with division (C) of section 3316.20 of the Revised Code. 21378

**Sec. 3317.026.** (A) As used in this section, "refunded taxes" 21379  
means taxes charged and payable from real and tangible personal 21380  
property, including public utility property, that have been found 21381  
to have been overpaid as the result of reductions in the taxable 21382  
value of such property and that have been refunded, including any 21383  
interest or penalty refunded with those taxes. If taxes are 21384  
refunded over a period of time pursuant to division (B)(2), (3), 21385  
or (4) of section 319.36 or division (C) of section 5727.471 of 21386  
the Revised Code, the total amount of taxes required to be 21387  
refunded, excluding any interest accruing after the day the 21388  
undertaking is entered into, shall be considered to have been 21389  
refunded on the day the first portion of the overpayment is paid 21390  
or credited. 21391

(B) Not later than the last day of February each year, each 21392  
county auditor shall certify to the tax commissioner, for each 21393  
school district in the county, the amount of refunded taxes 21394  
refunded in the preceding calendar year and the reductions in 21395  
taxable value that resulted in those refunds, except for 21396  
reductions in taxable value that previously have been reported to 21397  
the tax commissioner on an abstract. If the tax commissioner 21398  
determines that the amount of refunded taxes certified for a 21399  
school district exceeds three per cent of the total taxes charged 21400



and payable for current expenses of the school district for the 21401  
calendar year in which those taxes were refunded, the tax 21402  
commissioner shall certify the reductions in taxable value that 21403  
resulted in those refunds on or before the first day of June to 21404  
the department of education and the office of budget and 21405  
management. Upon receiving the certification by the tax 21406  
commissioner, the department of education shall reduce the total 21407  
taxable value of the school district, as defined in section 21408  
3317.02 of the Revised Code, by the total amount of the reductions 21409  
in taxable value that resulted in those refunds for the purpose of 21410  
computing the ~~SF-3 payment~~ state education aid for the school 21411  
district for the current fiscal year. The increase in the amount 21412  
of such aid resulting from the adjustment required by this section 21413  
shall be paid to the school district ~~on or before the thirty-first~~ 21414  
~~day of July of the following fiscal year.~~ The payment date shall 21415  
be determined by the director of budget and management. The 21416  
director shall select a payment date that is not earlier than the 21417  
first day of June of the current fiscal year and not later than 21418  
the thirty-first day of July of the following fiscal year. The 21419  
department of education shall not pay the district under this 21420  
section prior to approval by the director of budget and management 21421  
to make that payment. 21422

If an adjustment is made under this division in the amount of 21423  
state aid paid to a school district, the tax value reductions from 21424  
which that adjustment results shall not be used in recomputing aid 21425  
to a school district under section 3317.027 of the Revised Code. 21426

(C) If a school district received a grant from the 21427  
catastrophic expenditures account pursuant to division (C) of 21428  
section 3316.20 of the Revised Code on the basis of the same 21429  
circumstances for which an adjustment is made under this section, 21430  
the amount of the adjustment shall be reduced and transferred in 21431  
accordance with division (C) of section 3316.20 of the Revised 21432

Code. 21433

(D) Not later than the first day of June each year, the tax 21434  
commissioner shall certify to the department of education and the 21435  
office of budget and management for each school district the total 21436  
of the increases in taxable value above the amount of taxable 21437  
value on which tax was paid, as provided in division (B)(1) or (2) 21438  
of section 5727.47 of the Revised Code, as determined by the 21439  
commissioner, and for which a notification was sent pursuant to 21440  
section 5727.471 of the Revised Code, in the preceding calendar 21441  
year. Upon receiving the certification, the department shall 21442  
increase the total taxable value, as defined in section 3317.02 of 21443  
the Revised Code, of the school district by the total amount of 21444  
the increase in taxable value certified by the commissioner for 21445  
the school district for the purpose of computing the school 21446  
district's ~~SF-3 payment~~ state education aid for the following 21447  
fiscal year. 21448

**Sec. 3317.027.** On or before the fifteenth day of May of each 21449  
year, the tax commissioner shall certify to the department of 21450  
education and the office of budget and management: 21451

(A) The amount by which applications filed under section 21452  
5713.38 of the Revised Code or complaints filed under section 21453  
5715.19 of the Revised Code resulted in a reduction in the second 21454  
preceding year's taxable value in each school district in which 21455  
such a reduction occurred, and the amount by which such reduction 21456  
reduced the district's taxes charged and payable for such year; 21457  
and 21458

(B) The taxes charged and payable for the second preceding 21459  
tax year that were remitted under section 5713.081 of the Revised 21460  
Code and the taxable value against which such taxes were imposed. 21461

Upon receipt of such certifications, the department shall 21462  
recompute the district's ~~SF-3 payment~~ state education aid and 21463

determine the amount that the ~~SF-3 payment~~ state education aid 21464  
would have been ~~paid~~ had the taxable value not been used in the 21465  
computation made under division (A)(1) of section 3317.021 of the 21466  
Revised Code and had the taxes charged and payable not been 21467  
included in the certification made under division (A)(3) of such 21468  
section. The department shall calculate the amount that the 21469  
remainder of the fiscal year's payments should have been for the 21470  
fiscal year including the amount of the ~~SF-3 payment~~ state 21471  
education aid as recomputed. The increase or decrease in the 21472  
amount of aid resulting from the adjustment required under this 21473  
section shall be paid to the school district ~~on or before the~~ 21474  
~~thirty-first day of July of the following fiscal year.~~ The payment 21475  
date shall be determined by the director of budget and management. 21476  
The director shall select a payment date that is not earlier than 21477  
the first day of June of the current fiscal year and not later 21478  
than the thirty-first day of July of the following fiscal year. 21479  
The department of education shall not pay the district under this 21480  
section prior to approval by the director of budget and management 21481  
to make that payment. 21482

If a school district received a grant from the catastrophic 21483  
expenditures account pursuant to division (C) of section 3316.20 21484  
of the Revised Code on the basis of the same circumstances for 21485  
which a recomputation is made under this section, the amount of 21486  
the recomputation shall be reduced and transferred in accordance 21487  
with division (C) of section 3316.20 of the Revised Code. 21488

**Sec. 3317.028.** (A) On or before the fifteenth day of May in 21489  
each calendar year prior to calendar year 2007, the tax 21490  
commissioner shall determine for each school district whether the 21491  
taxable value of all tangible personal property, including utility 21492  
tangible personal property, subject to taxation by the district in 21493  
the preceding tax year was less or greater than the taxable value 21494  
of such property during the second preceding tax year. If any such 21495

decrease exceeds five per cent of the district's tangible personal 21496  
property taxable value included in the total taxable value used in 21497  
computing the district's ~~SF-3 payment~~ state education aid for the 21498  
fiscal year that ends in the current calendar year, or if any such 21499  
increase exceeds five per cent of the district's total taxable 21500  
value used in computing the district's ~~SF-3 payment~~ state 21501  
education aid for the fiscal year that ends in the current 21502  
calendar year, the tax commissioner shall certify both of the 21503  
following to the department of education and the office of budget 21504  
and management: 21505

(1) The taxable value of the tangible personal property 21506  
increase or decrease, including utility tangible personal property 21507  
increase or decrease, which shall be considered a change in 21508  
valuation; 21509

(2) The decrease or increase in taxes charged and payable on 21510  
such change in taxable value calculated in the same manner as in 21511  
division (A)(3) of section 3317.021 of the Revised Code. 21512

(B) On or before May 15, 2007, and the fifteenth day of May 21513  
in each calendar year thereafter, the tax commissioner shall 21514  
determine for each school district whether the taxable value of 21515  
all utility tangible personal property subject to taxation by the 21516  
district in the preceding tax year was less or greater than the 21517  
taxable value of such property during the second preceding tax 21518  
year. If any decrease exceeds five per cent of the district's 21519  
tangible personal property taxable value included in the total 21520  
taxable value used in the district's state aid computation for the 21521  
fiscal year that ends in the current calendar year, or if any 21522  
increase exceeds five per cent of the district's total taxable 21523  
value used in the district's state education aid computation for 21524  
the fiscal year that ends in the current calendar year, the tax 21525  
commissioner shall certify both of the following to the department 21526  
of education and the office of budget and management: 21527

(1) The taxable value of the utility tangible personal 21528  
property increase or decrease, which shall be considered a change 21529  
in valuation; 21530

(2) The decrease or increase in taxes charged and payable on 21531  
such change in taxable value calculated in the same manner as in 21532  
division (A)(3) of section 3317.021 of the Revised Code. 21533

(C) Upon receipt of a certification specified in this 21534  
section, the department of education shall reduce or increase by 21535  
the respective amounts certified and the taxable value and the 21536  
taxes charged and payable that were used in computing the 21537  
district's ~~SF-3 payment~~ state education aid for the fiscal year 21538  
that ends in the current calendar year and shall recompute the 21539  
~~SF-3 payment~~ state education aid for such fiscal year. The 21540  
department shall pay ~~the district a sum equal to one-half of the~~ 21541  
~~recomputed payments in lieu of the payments otherwise required~~ 21542  
~~under that section on or before the thirty first day of July of~~ 21543  
~~the following fiscal year~~ to or deduct from the district an amount 21544  
equal to one-half of the difference between the district's state 21545  
education aid prior to the recomputation under this section and 21546  
the district's recomputed state education aid. The payment date 21547  
shall be determined by the director of budget and management. The 21548  
director shall select a payment date that is not earlier than the 21549  
first day of June of the current fiscal year and not later than 21550  
the thirty-first day of July of the following fiscal year. The 21551  
department of education shall not pay the district under this 21552  
section prior to approval by the director of budget and management 21553  
to make that payment. 21554

(D) If a school district received a grant from the 21555  
catastrophic expenditures account pursuant to division (C) of 21556  
section 3316.20 of the Revised Code on the basis of the same 21557  
circumstances for which a recomputation is made under this 21558  
section, the amount of the recomputation shall be reduced and 21559

transferred in accordance with division (C) of section 3316.20 of 21560  
the Revised Code. 21561

**Sec. 3317.029.** (A) As used in this section: 21562

(1) "Poverty percentage" means the quotient obtained by 21563  
dividing the ~~five-year~~ average number of children ages five to 21564  
seventeen residing in the school district and living in a family 21565  
receiving assistance under the Ohio works first program or an 21566  
antecedent program known as TANF or ADC for the preceding five 21567  
years, as certified or adjusted under section 3317.10 of the 21568  
Revised Code, by the district's three-year average formula ADM. 21569

(2) "Statewide poverty percentage" means the ~~five-year~~ 21570  
average of the total number of children ages five to seventeen 21571  
years residing in the state and receiving assistance under the 21572  
Ohio works first program or an antecedent program known as TANF or 21573  
ADC for the preceding five years, divided by the sum of the 21574  
three-year average formula ADMs for all school districts in the 21575  
state. 21576

(3) "Poverty index" means the quotient obtained by dividing 21577  
the school district's poverty percentage by the statewide poverty 21578  
percentage. 21579

(4) "Poverty student count" means the ~~five-year~~ average 21580  
number of children ages five to seventeen residing in the school 21581  
district and living in a family receiving assistance under the 21582  
Ohio works first program or an antecedent program known as TANF or 21583  
ADC for the preceding five years, as certified under section 21584  
3317.10 of the Revised Code. 21585

(5) "Kindergarten ADM" means the number of students reported 21586  
under section 3317.03 of the Revised Code as enrolled in 21587  
kindergarten, excluding any kindergarten students reported under 21588  
division (B)(3)(e), (f), or (g) of section 3317.03 of the Revised 21589

Code.	21590
(6) "Kindergarten through third grade ADM" means the amount calculated as follows:	21591 21592
(a) Multiply the kindergarten ADM by the sum of one plus the all-day kindergarten percentage;	21593 21594
(b) Add the number of students in grades one through three;	21595
(c) Subtract from the sum calculated under division (A)(6)(b) of this section the number of special education students in grades kindergarten through three.	21596 21597 21598
"Kindergarten through third grade ADM" shall not include any students reported under division (B)(3)(e), (f), or (g) of section 3317.03 of the Revised Code.	21599 21600 21601
(7) "All-day kindergarten" means a kindergarten class that is in session five days per week for not less than the same number of clock hours each day as for pupils in grades one through six.	21602 21603 21604
(8) "All-day kindergarten percentage" means the percentage of a district's actual total number of students enrolled in kindergarten who are enrolled in all-day kindergarten.	21605 21606 21607
(9) <u>"All-day kindergarten ADM" means the number of students reported under section 3317.03 of the Revised Code as enrolled in all-day kindergarten, excluding any kindergarten students reported under division (B)(3)(e), (f), or (g) of that section.</u>	21608 21609 21610 21611
(10) <u>"Academic distress percentage" means the quotient of the number of district-operated buildings in the school district designated under section 3302.03 of the Revised Code as in a state of academic watch or academic emergency, divided by the total number of buildings in the district that were open for instruction during the same school year to which the ratings apply.</u>	21612 21613 21614 21615 21616 21617
(11) <u>"Statewide academic distress percentage" means the quotient of the statewide number of school district buildings and</u>	21618 21619

community schools designated under section 3302.03 of the Revised Code as in a state of academic watch or academic emergency, divided by the statewide total number of school district buildings and community schools that were open for instruction during the same school year to which the ratings apply.

(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 21651  
percentage ~~in those grades~~ equals or exceeds the district-wide 21652  
Ohio works first percentage. 21653

(B) ~~In addition to the amounts required to be paid to a~~ 21654  
~~school district under section 3317.022 of the Revised Code, the~~ 21655  
The department of education shall compute ~~and distribute to for~~ 21656  
each school district for poverty-based assistance the ~~greater of~~ 21657  
~~the following:~~ 21658

~~(1) The amount the district received in fiscal year 2005 for~~ 21659  
~~disadvantaged pupil impact aid pursuant to Section 41.10 of Am.~~ 21660  
~~Sub. H.B. 95 of the 125th general assembly, as amended, minus the~~ 21661  
~~amount deducted from the district under Section 16 of Am. Sub.~~ 21662  
~~S.B. 2 of the 125th general assembly that year for payments to~~ 21663  
~~internet and computer based community schools;~~ 21664

~~(2) The sum of the computations made under divisions (C) to~~ 21665  
~~(I)(J) of this section and shall pay that sum to the district in~~ 21666  
accordance with division (A) of section 3317.022 of the Revised 21667  
Code. 21668

(C) A payment for academic intervention programs, if the 21669  
district's poverty index is greater than or equal to 0.25, 21670  
calculated as follows: 21671

(1) If the district's poverty index is greater than or equal 21672  
to 0.25, calculate the district's level one amount for large-group 21673  
academic intervention for all students as follows: 21674

(a) If the district's poverty index is greater than or equal 21675  
to 0.25 but less than 0.75: 21676

large-group intervention units X hourly rate X 21677

level one hours X [(poverty index - 0.25)/0.5] 21678

~~X phase in percentage~~ 21679

Where: 21680

(i) "Large-group intervention units" equals the district's formula ADM divided by 20;

(ii) "Hourly rate" equals ~~\$20.00~~ \$21.01 in fiscal year ~~2006~~ 2008 and ~~\$20.40~~ \$21.64 in fiscal year ~~2007~~ 2009;

(iii) "Level one hours" equals 25 hours;

~~(iv) "Phase in percentage" equals 0.60 in fiscal year 2006 and 1.00 in fiscal year 2007.~~

(b) If the district's poverty index is greater than or equal to 0.75:

large-group intervention units X hourly rate X  
level one hours ~~X phase in percentage~~

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.

(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:

(a) If the district's poverty index is greater than or equal to 0.75 but less than 1.50:

medium-group intervention units X hourly rate  
X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]}  
~~X phase in percentage~~

Where:

(i) "Medium group intervention units" equals the district's formula ADM divided by 15;

(ii) "Hourly rate," and "level one hours," ~~and "phase in percentage"~~ have the same meanings as in division (C)(1)(a) of this section.

(b) If the district's poverty index is greater than or equal to 1.50:

medium-group intervention units X hourly rate X 21711

level two hours X ~~phase in percentage~~ 21712

Where: 21713

(i) "Medium group intervention units" has the same meaning as 21714  
in division (C)(2)(a)(i) of this section; 21715

(ii) "Hourly rate" ~~and "phase in percentage"~~ have has the 21716  
same ~~meanings~~ meaning as in division (C)(1)(a) of this section; 21717

(iii) "Level two hours" equals 50 hours. 21718

(3) If the district's poverty index is greater than or equal 21719  
to 1.50, calculate the district's level three amount for 21720  
small-group academic intervention for impoverished students as 21721  
follows: 21722

(a) If the district's poverty index is greater than or equal 21723  
to 1.50 but less than 2.50: 21724

small group intervention units X hourly rate X 21725

{level one hours + [level three hours X 21726

(poverty index - 1.50)]} X ~~phase in percentage~~ 21727

Where: 21728

(i) "Small group intervention units" equals the quotient of 21729  
(the district's poverty student count times 3) divided by 10; 21730

(ii) "Hourly rate," and "level one hours," ~~and "phase in~~ 21731  
~~percentage"~~ have the same meanings as in division (C)(1)(a) of 21732  
this section; 21733

(iii) "Level three hours" equals 135 hours. 21734

(b) If the district's poverty index is greater than or equal 21735  
to 2.50: 21736

small group intervention units X hourly rate 21737

X level three hours X ~~phase in percentage~~ 21738

Where: 21739

(i) "Small group intervention units" has the same meaning as 21740  
in division (C)(3)(a)(i) of this section; 21741

(ii) "Hourly rate" ~~and "phase-in percentage"~~ have has the 21742  
same ~~meanings~~ meaning as in division (C)(1)(a) of this section; 21743

(iii) "Level three hours" equals 160 hours. 21744

Any district that receives funds under division (C)(2) or (3) 21745  
of this section annually shall submit to the department of 21746  
education by a date established by the department a plan 21747  
describing how the district will deploy those funds. The 21748  
deployment measures described in that plan shall comply with any 21749  
applicable spending requirements prescribed in ~~division (J)(6)~~ of 21750  
this section or with any order issued by the superintendent of 21751  
public instruction under section 3317.017 of the Revised Code. 21752

(D) A payment for all-day kindergarten if the poverty index 21753  
of the school district is greater than or equal to 1.0 or if the 21754  
district's three-year average formula ADM exceeded seventeen 21755  
thousand five hundred. In addition, the department shall make a 21756  
payment under this division to any school district that, in a 21757  
prior fiscal year, qualified for this payment and provided all-day 21758  
kindergarten, regardless of changes to the district's poverty 21759  
index. The department shall calculate the payment under this 21760  
division by multiplying the all-day ~~kindergarten percentage by the~~ 21761  
kindergarten ADM ~~and multiplying that product~~ by the formula 21762  
amount. 21763

(E) A ~~class-size reduction~~ payment for increased classroom 21764  
learning opportunities based on calculating the number of new 21765  
teachers necessary to achieve a lower student-teacher ratio, as 21766  
follows: 21767

(1) Determine or calculate a formula number of teachers per 21768  
one thousand students based on the poverty index of the school 21769  
district as follows: 21770

(a) If the poverty index of the school district is less than 21771  
1.0, the formula number of teachers is 50.0, which is the number 21772  
of teachers per one thousand students at a student-teacher ratio 21773  
of twenty to one; 21774

(b) If the poverty index of the school district is greater 21775  
than or equal to 1.0, but less than 1.5, the formula number of 21776  
teachers is calculated as follows: 21777

$$50.0 + \{[(\text{poverty index} - 1.0)/0.5] \times 16.667\}$$
 21778

Where 50.0 is the number of teachers per one thousand 21779  
students at a student-teacher ratio of twenty to one; 0.5 is the 21780  
interval from a poverty index of 1.0 to a poverty index of 1.5; 21781  
and 16.667 is the difference in the number of teachers per one 21782  
thousand students at a student-teacher ratio of fifteen to one and 21783  
the number of teachers per one thousand students at a 21784  
student-teacher ratio of twenty to one. 21785

(c) If the poverty index of the school district is greater 21786  
than or equal to 1.5, the formula number of teachers is 66.667, 21787  
which is the number of teachers per one thousand students at a 21788  
student-teacher ratio of fifteen to one. 21789

(2) Multiply the formula number of teachers determined or 21790  
calculated in division (E)(1) of this section by the kindergarten 21791  
through third grade ADM for the district and divide that product 21792  
by one thousand; 21793

(3) Calculate the number of new teachers as follows: 21794

(a) Multiply the kindergarten through third grade ADM by 21795  
50.0, which is the number of teachers per one thousand students at 21796  
a student-teacher ratio of twenty to one, and divide that product 21797  
by one thousand; 21798

(b) Subtract the quotient obtained in division (E)(3)(a) of 21799  
this section from the product in division (E)(2) of this section. 21800

(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:

$$\{0.125 + [0.125 \times ((\text{poverty index} - 1.0)/0.75)]\}$$

X 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, 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 teacher as follows:

$[(\text{poverty index} - 1.0)/0.75] \times 0.045 \times \text{formula amount}$

(2) If the district's poverty index is greater than or equal to 1.75, the amount per teacher equals:

$0.045 \times \text{formula amount}$

(3) Determine the number of teachers, as follows:

$(\text{formula ADM}/17)$

(4) Multiply the per teacher amount determined for the district under division (G)(1) or (2) of this section by the number of teachers determined under division (G)(3) of this section, ~~times a phase in percentage of 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007.~~

(H) A payment for dropout prevention, if the district is a big eight school district as defined in section 3314.02 of the Revised Code, calculated as follows:

$0.005 \times \text{formula amount} \times \text{poverty index}$

$\times \text{formula ADM} \times \text{phase in percentage}$

~~Where "phase in percentage" equals 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007.~~

(I) An amount for community outreach, if the district is an

urban school district as defined in section 3314.02 of the Revised Code, calculated as follows:

$0.005 \times \text{formula amount} \times \text{poverty index} \times$   
 $\text{formula ADM} \times \text{phase in percentage}$

~~Where "phase in percentage" equals 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007.~~

(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:

$\text{poverty index} \times \text{academic distress index} \times$   
 $(0.0015 \times \text{formula amount}) \times \text{formula ADM}$

(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:

$\text{poverty index} \times \text{academic distress index} \times$   
 $(0.0015 \times \text{formula amount}) \times \text{formula ADM} \times 1.035$

(b) If the district's academic distress percentage is greater than or equal to its academic distress percentage used for the prior fiscal year:

$\text{poverty index} \times \text{academic distress index} \times$   
 $(0.0015 \times \text{formula amount}) \times \text{formula ADM}$

(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 21893  
section, and in division (O) of this section, each such district 21894  
shall use funds paid under this section only for one or more of 21895  
the following purposes: 21896

(1) ~~Each school district subject to this division shall first~~ 21897  
~~utilize funds received under this section so that, when combined~~ 21898  
~~with other funds of the district, sufficient funds exist to~~ To 21899  
provide all-day kindergarten to at least the number of children in 21900  
the district's all-day kindergarten percentage. ~~To satisfy this~~ 21901  
~~requirement, a district may use funds paid under division (C),~~ 21902  
~~(F), (G), (H), or (I) of this section to provide all day~~ 21903  
kindergarten in addition to the all day kindergarten payment under 21904  
division (D) of this section. ADM; 21905

(2) ~~Except as permitted under division (J)(1) of this~~ 21906  
~~section, each school district shall use its payment under division~~ 21907  
~~(F) of this section for~~ To provide services to students with 21908  
limited English proficiency through one or more of the following 21909  
purposes activities: 21910

(a) ~~To hire~~ Hiring teachers for limited English proficient 21911  
students or other personnel to provide intervention services for 21912  
those students; 21913

(b) ~~To contract~~ Contracting for intervention services for 21914  
those students; 21915

(c) ~~To provide~~ Providing other services to assist those 21916  
students in passing the third-grade reading achievement test, and 21917  
to provide for those students the intervention services required 21918  
by section 3313.608 of the Revised Code. 21919

(3) ~~Except as permitted under division (J)(1) of this~~ 21920  
~~section, each school district shall use its payment under division~~ 21921  
~~(C) of this section for~~ To provide professional development of 21922  
teachers or other licensed personnel providing educational 21923

services to students only in one or more of the following areas: 21924

(a) Data-based decision making; 21925

(b) Standards-based curriculum models; 21926

(c) ~~Job-embedded~~ High quality professional development 21927  
activities that are research-based, as defined ~~in federal law by~~ 21928  
state standards developed under section 3319.61 of the Revised 21929  
Code; 21930

(d) Professional learning communities. 21931

In addition, each district that elects to use funds paid 21932  
under this section for professional development shall ~~use the~~ 21933  
~~payment~~ only to implement programs identified on a list of 21934  
eligible professional development programs provided by the 21935  
department of education. The department annually shall provide the 21936  
list to each district receiving a payment under ~~division (G) of~~ 21937  
this section. ~~However, a district may apply to the department for~~ 21938  
~~a waiver to implement an alternative professional development~~ 21939  
~~program in one or more of the areas specified in divisions~~ 21940  
~~(J)(3)(a) to (c) of this section. If the department grants the~~ 21941  
~~waiver, the district may use its payment under division (G) of~~ 21942  
~~this section to implement the alternative program.~~ 21943

(4) ~~Except as permitted under division (J)(1) of this~~ 21944  
~~section, each big eight school district shall use its payment~~ 21945  
~~under division (H) of this section either for~~ For preventing 21946  
at-risk students from dropping out of school, ~~for safety and~~ 21947  
~~security measures described in division (J)(5)(b) of this section,~~ 21948  
~~for academic intervention services described in division (J)(6) of~~ 21949  
~~this section, or for a combination of those purposes. Not later~~ 21950  
than September 1, ~~2005~~ 2007, the department of education shall 21951  
provide each ~~big eight~~ school district receiving a payment under 21952  
this section with a list of dropout prevention programs that it 21953  
has determined are successful. The department subsequently may 21954

update the list. Each district that elects to use its payment 21955  
under ~~division (H) of this section for dropout prevention shall~~ 21956  
use the payment only to implement a dropout prevention program 21957  
specified on the department's list. ~~However, a district may apply~~ 21958  
~~to the department for a waiver to implement an alternative dropout~~ 21959  
~~prevention program. If the department grants the waiver, the~~ 21960  
~~district may use its payment under division (H) of this section to~~ 21961  
~~implement the alternative program.~~ 21962

(5) ~~Except as permitted under division (J)(1) of this~~ 21963  
~~section, each urban school district that has a poverty index~~ 21964  
~~greater than or equal to 1.0 shall use its payment under division~~ 21965  
~~(I) of this section for~~ For one or a combination both of the 21966  
following purposes: 21967

(a) To hire or contract for community liaison officers, 21968  
attendance or truant officers, or safety and security personnel; 21969

(b) To implement programs designed to ensure that schools are 21970  
free of drugs and violence and have a disciplined environment 21971  
conducive to learning; 21972

~~(c) To implement academic intervention services described in~~ 21973  
~~division (J)(6) of this section.~~ 21974

(6) ~~Except as permitted under division (J)(1) of this~~ 21975  
~~section, each school district with a poverty index greater than or~~ 21976  
~~equal to 1.0 shall use the amount of its payment under division~~ 21977  
~~(C) of this section, and may use any amount of its payment under~~ 21978  
~~division (H) or (I) of this section, for~~ For academic intervention 21979  
services for students who have failed or are in danger of failing 21980  
any of the tests administered pursuant to section 3301.0710 of the 21981  
Revised Code, including intervention services required by section 21982  
3313.608 of the Revised Code. ~~Except as permitted under division~~ 21983  
~~(J)(1) of this section, no district shall spend any portion of its~~ 21984  
~~payment under division (C) of this section for any other purpose.~~ 21985

~~Notwithstanding any provision to the contrary in Chapter 4117. of 21986  
the Revised Code, no collective bargaining agreement entered into 21987  
after June 30, 2005, shall require use of the payment for any 21988  
other purpose. 21989~~

~~(7) Except as otherwise required by division (K) or permitted 21990  
under division (O) of this section, all remaining funds 21991  
distributed under this section to districts with a poverty index 21992  
greater than or equal to 1.0 shall be utilized for the purpose of 21993  
the third grade guarantee. The third grade guarantee consists of 21994  
For increased classroom learning opportunities by increasing the 21995  
amount of instructional attention received per pupil in 21996  
kindergarten through third grade, either by reducing the ratio of 21997  
students to instructional personnel or by increasing the amount of 21998  
instruction and curriculum-related activities by extending the 21999  
length of the school day or the school year. 22000~~

School districts may implement a reduction of the ratio of 22001  
students to instructional personnel through any or all of the 22002  
following methods: 22003

(a) Reducing the number of students in a classroom taught by 22004  
a single teacher; 22005

(b) Employing full-time educational aides or educational 22006  
paraprofessionals issued a permit or license under section 22007  
3319.088 of the Revised Code; 22008

(c) Instituting a team-teaching method that will result in a 22009  
lower student-teacher ratio in a classroom. 22010

Districts may extend the school day either by increasing the 22011  
amount of time allocated for each class, increasing the number of 22012  
classes provided per day, offering optional academic-related 22013  
after-school programs, providing curriculum-related extra 22014  
curricular activities, or establishing tutoring or remedial 22015  
services for students who have demonstrated an educational need. 22016

In accordance with section 3319.089 of the Revised Code, a 22017  
district extending the school day pursuant to this division may 22018  
utilize a participant of the work experience program who has a 22019  
child enrolled in a public school in that district and who is 22020  
fulfilling the work requirements of that program by volunteering 22021  
or working in that public school. If the work experience program 22022  
participant is compensated, the school district may use the funds 22023  
distributed under this section for all or part of the 22024  
compensation. 22025

Districts may extend the school year either through adding 22026  
regular days of instruction to the school calendar or by providing 22027  
summer programs. 22028

~~(K) Each district shall not expend any funds received under 22029  
division (E) of this section in any school buildings that are not 22030  
buildings with the highest concentration of need, unless there is 22031  
a ratio of instructional personnel to students of no more than 22032  
fifteen to one in each kindergarten and first grade class in all 22033  
buildings with the highest concentration of need. This division 22034  
does not require that the funds used in buildings with the highest 22035  
concentration of need be spent solely to reduce the ratio of 22036  
instructional personnel to students in kindergarten and first 22037  
grade. A school district may spend the funds in those buildings in 22038  
any manner permitted by division (J)(7) of this section, but may 22039  
not spend the money in other buildings unless the fifteen to one 22040  
ratio required by this division is attained. 22041~~

~~(L)(1) By the first day of August of each fiscal year, each 22042  
(8) For early childhood programs or early learning programs, as 22043  
defined by the department of education, for children age three or 22044  
four who are not eligible for kindergarten; 22045~~

~~(9) To furnish, free of charge, materials used in courses of 22046  
instruction, except for the necessary textbooks or electronic 22047  
textbooks required to be furnished without charge pursuant to 22048~~

section 3329.06 of the Revised Code, to pupils living in families 22049  
participating in Ohio works first in accordance with section 22050  
3313.642 of the Revised Code; 22051

(10) For programs designed to reduce nonacademic barriers to 22052  
learning, in accordance with guidelines developed by the 22053  
department of education; 22054

(11) For school nutrition programs provided pursuant to 22055  
section 3313.813 of the Revised Code. 22056

However, a school district may apply to the department, in 22057  
the form and manner prescribed by the department, for a waiver to 22058  
spend funds paid under this section for programs not described in 22059  
divisions (K)(1) to (11) of this section. The waiver application 22060  
shall specify the rationale for the alternative expenditure and 22061  
the intended benefits for disadvantaged students. If the 22062  
department grants the waiver, the district may use funds paid 22063  
under this section to implement the alternative program. 22064

(L) This division applies only to funds paid under division 22065  
(J)(2)(b) of this section. 22066

(1) If applicable, each school district shall use the funds 22067  
for any necessary expenses for the continued operation of a school 22068  
district academic distress commission appointed under section 22069  
3302.10 of the Revised Code. 22070

(2) After satisfying the requirement of division (L)(1) of 22071  
this section, each district shall spend the remaining funds only 22072  
for one or more of the following purposes and only in buildings 22073  
with the highest concentration of need: 22074

(a) Assistance in improving student performance; 22075

(b) Professional development for teachers and administrators; 22076

(c) Assistance in recruiting and retaining teachers and 22077  
administrators. 22078

~~(M)(1) Each school district wishing to receive any funds under division (D) of this section shall submit to the department of education an estimate of its the number of students attending all-day kindergarten percentage when reporting formula ADM under section 3317.03 of the Revised Code. Each district shall update its estimate throughout the fiscal year in the form and manner required by the department, and the department shall adjust payments under this section to reflect the updates.~~ 22079  
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~~(2) Annually by the end of December, the department of education, utilizing data from the information system established under section 3301.0714 of the Revised Code, shall determine for each school district subject to division (J) of this section whether in the preceding fiscal year the district's ratio of instructional personnel to students and its number of kindergarten students receiving all day kindergarten appear reasonable, given the amounts of money the district received for that fiscal year pursuant to divisions (D) and (E) of this section. If the department is unable to verify from the data available that students are receiving reasonable amounts of instructional attention and all day kindergarten, given the funds the district has received under this section and that class size reduction funds are being used in school buildings with the highest concentration of need as required by division (K) of this section, the department shall conduct a more intensive investigation to ensure that funds have been expended as required by this section. The department shall file an annual report of its findings under this division with the chairpersons of the committees in each house of the general assembly dealing with finance and education.~~ 22087  
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~~(M)(1)(2) Each school district with a poverty index less than 1.0 that receives a payment under division (D) of this section shall first utilize funds received under this section so that, when combined with other funds of the district, sufficient funds~~ 22107  
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~~exist division to provide all-day kindergarten to at least the 22111  
number of children in the district's all day kindergarten 22112  
percentage. To satisfy this requirement, a district may use funds 22113  
paid under division (C) or (I) of this section to provide all day 22114  
kindergarten in addition to the all day kindergarten payment under 22115  
division (D) of this section. 22116~~

~~(2) Except as permitted under division (M)(1) of this 22117  
section, each school district with a poverty index less than 1.0 22118  
that receives a payment under division (C) of this section shall 22119  
use its payment under that division in accordance with all 22120  
requirements of division (J)(6) of this section. 22121~~

~~(3) Except as permitted under division (M)(1) of this 22122  
section, each school district with a poverty index less than 1.0 22123  
that receives a payment under division (I) of this section shall 22124  
use its payment under that division for one or a combination of 22125  
the following purposes: 22126~~

~~(a) To hire or contract for community liaison officers, 22127  
attendance or truant officers, or safety and security personnel; 22128~~

~~(b) To implement programs designed to ensure that schools are 22129  
free of drugs and violence and have a disciplined environment 22130  
conducive to learning; 22131~~

~~(c) To implement academic intervention services described in 22132  
division (J)(6) of this section. 22133~~

~~(4) Each school district to which division (M)(1), (2), or 22134  
(3) of this section applies shall expend the remaining funds 22135  
received under this section, and any other district with a poverty 22136  
index less than 1.0 shall expend all funds received under this 22137  
section, for any of the following purposes: 22138~~

~~(a) The purchase of technology for instructional purposes for 22139  
remediation; 22140~~



<del>(b) All-day kindergarten;</del>	22141
<del>(c) Reduction of class sizes in grades kindergarten through three, as described in division (J)(7) of this section;</del>	22142 22143
<del>(d) Summer school remediation;</del>	22144
<del>(e) Dropout prevention programs approved by the department of education under division (J)(4) of this section;</del>	22145 22146
<del>(f) Guaranteeing that all third graders are ready to progress to more advanced work;</del>	22147 22148
<del>(g) Summer education and work programs;</del>	22149
<del>(h) Adolescent pregnancy programs;</del>	22150
<del>(i) Head start, preschool, early childhood education, or early learning programs;</del>	22151 22152
<del>(j) Reading improvement and remediation programs described by the department of education;</del>	22153 22154
<del>(k) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;</del>	22155 22156 22157
<del>(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;</del>	22158 22159 22160 22161 22162 22163
<del>(m) School breakfasts provided pursuant to section 3313.813 of the Revised Code.</del>	22164 22165
(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 <del>less</del> <u>fewer</u> than the <u>number of</u> all-day kindergarten <del>percentage</del> <u>students</u> reported for that fiscal	22166 22167 22168 22169

year, the superintendent shall withhold from the funds otherwise 22170  
due the district under this section a proportional amount as 22171  
determined by the difference in the certified all-day kindergarten 22172  
~~percentage ADM and the percentage actually enrolled in actual~~ 22173  
all-day kindergarten ADM. 22174

The superintendent shall also withhold an appropriate amount 22175  
of funds otherwise due a district for any other misuse of funds 22176  
not in accordance with this section. 22177

(O)(1) A district may use a portion of the funds ~~calculated~~ 22178  
~~for it paid~~ under ~~division (D)~~ of this section to modify or 22179  
purchase classroom space to provide all-day kindergarten, if both 22180  
of the following conditions are met: 22181

(a) The district certifies to the department, in a manner 22182  
acceptable to the department, that it has a shortage of space for 22183  
providing all-day kindergarten. 22184

(b) The district provides all-day kindergarten to the number 22185  
of children in the all-day kindergarten percentage it certified 22186  
under this section. 22187

(2) A district may use a portion of the funds ~~described in~~ 22188  
~~division (J)(7) of~~ paid under this section to modify or purchase 22189  
classroom space to enable it to further reduce class size in 22190  
grades kindergarten through two with a goal of attaining class 22191  
sizes of fifteen students per licensed teacher. To do so, the 22192  
district must certify its need for additional space to the 22193  
department, in a manner satisfactory to the department. 22194

(P) Not later than the thirtieth day of September each year, 22195  
each school district paid under this section shall report to the 22196  
department, in the form and manner prescribed by the department, 22197  
how the district deployed funds received under this section in the 22198  
prior fiscal year. If a school district does not meet adequate 22199  
progress standards as defined by the department, the department 22200

shall make recommendations to the district for deploying funds 22201  
under this section in a more effective manner. 22202

**Sec. 3317.0216.** (A) As used in this section: 22203

(1) "Total taxes charged and payable for current expenses" 22204  
means the sum of the taxes charged and payable as certified under 22205  
division (A)(3)(a) of section 3317.021 of the Revised Code less 22206  
any amounts reported under division (A)(3)(b) of that section, and 22207  
the tax distribution for the preceding year under any school 22208  
district income tax levied by the district pursuant to Chapter 22209  
5748. of the Revised Code to the extent the revenue from the 22210  
income tax is allocated or apportioned to current expenses. 22211

(2) "Charge-off amount" means two and three-tenths per cent 22212  
multiplied by (the sum of recognized valuation and property 22213  
exemption value). 22214

(3) Until fiscal year 2003, the "actual local share of 22215  
special education, transportation, and vocational education 22216  
funding" for any school district means the sum of the district's 22217  
attributed local shares described in divisions (F)(1) to (3) of 22218  
section 3317.022 of the Revised Code. Beginning in fiscal year 22219  
2003, the "actual local share of special education, 22220  
transportation, and vocational education funding" means that sum 22221  
minus the amount of any excess cost supplement payment calculated 22222  
for the district under division (F) of section 3317.022 of the 22223  
Revised Code. 22224

~~(4) "Current expense revenues from the tangible property tax 22225  
replacement fund" means payments received from the school district 22226  
tangible property tax replacement fund or the general revenue fund 22227  
under section 5751.21 of the Revised Code for fixed rate levies 22228  
for current expenses and for fixed sum levies for current 22229  
expenses, including school district emergency levies under 22230  
sections 5705.194 to 5705.197 of the Revised Code.~~ 22231

(B) Upon receiving the certifications under section 3317.021 22232  
of the Revised Code, the department of education shall determine 22233  
for each city, local, and exempted village school district whether 22234  
the district's charge-off amount is greater than ~~the sum of the~~ 22235  
district's total taxes charged and payable for current expenses 22236  
~~and current expense revenues from the tangible property tax~~ 22237  
~~replacement fund~~, and if the charge-off amount is greater, shall 22238  
pay the district the amount of the difference. A payment shall not 22239  
be made to any school district for which the computation under 22240  
division (A) of section 3317.022 of the Revised Code equals zero. 22241

(C)(1) If a district's charge-off amount is equal to or 22242  
greater than ~~the sum of~~ its total taxes charged and payable for 22243  
current expenses ~~and current expense revenues from the tangible~~ 22244  
~~property tax replacement fund~~, the department shall, in addition 22245  
to the payment required under division (B) of this section, pay 22246  
the district the amount of its actual local share of special 22247  
education, transportation, and vocational education funding. 22248

(2) If a district's charge-off amount is less than ~~the sum of~~ 22249  
its total taxes charged and payable for current expenses ~~and~~ 22250  
~~current expense revenues from the tangible property tax~~ 22251  
~~replacement fund~~, the department shall pay the district any amount 22252  
by which its actual local share of special education, 22253  
transportation, and vocational education funding exceeds ~~the sum~~ 22254  
~~of~~ its total taxes charged and payable for current expenses ~~and~~ 22255  
~~current expense revenues from the tangible property tax~~ 22256  
~~replacement fund~~ minus its charge-off amount. 22257

(D) If a school district that received a payment under 22258  
division (B) or (C) of this section in the prior fiscal year is 22259  
ineligible for payment under those divisions in the current fiscal 22260  
year, the department shall determine if the ineligibility is the 22261  
result of a property tax or income tax levy approved by the 22262  
district's voters to take effect in tax year 2005 or thereafter. 22263

If the department determines that is the case, and calculates that 22264  
the levy causing the ineligibility exceeded by at least one mill 22265  
the equivalent millage of the prior year's payment under divisions 22266  
(B) and (C) of this section, the department shall make a payment 22267  
to the district for the first three years that the district loses 22268  
eligibility for payment under divisions (B) and (C) of this 22269  
section, as follows: 22270

(1) In the first year of ineligibility, the department shall 22271  
pay the district seventy-five per cent of the amount it last paid 22272  
the district under divisions (B) and (C) of this section. 22273

(2) In the second year of ineligibility, the department shall 22274  
pay the district fifty per cent of the amount it last paid the 22275  
district under those divisions. 22276

(3) In the third year of ineligibility, the department shall 22277  
pay the district twenty-five per cent of the amount it last paid 22278  
the district under those divisions. 22279

(E) A district that receives payment under division (D) of 22280  
this section and subsequently qualifies for payment under division 22281  
(B) or (C) of this section is ineligible for future payments under 22282  
division (D) of this section. 22283

(F) To enable the department of education to make the 22284  
determinations and to calculate payments under division (D) of 22285  
this section, on ~~the effective date of this amendment~~ March 30, 22286  
2006, and on or before the first day of March of each year 22287  
thereafter, the department shall send to the tax commissioner a 22288  
list of school districts receiving payments under division (B) or 22289  
(C) of this section for the current fiscal year. On or before the 22290  
first day of the following June, the tax commissioner shall 22291  
certify to the department of education for those school districts 22292  
the information required by division (A)(8) of section 3317.021 of 22293  
the Revised Code. 22294

Sec. 3317.0217. The Payment of the amount calculated for a 22295  
school district under this section shall be made under division 22296  
(A) of section 3317.022 of the Revised Code. 22297

The department of education shall annually compute and pay 22298  
state parity aid to school districts, as follows: 22299

(A) Calculate the local wealth per pupil of each school 22300  
district, which equals the following sum: 22301

(1) Two-thirds times the quotient of (a) the district's 22302  
recognized valuation divided by (b) its formula ADM; plus 22303

(2) One-third times the quotient of (a) the average of the 22304  
total federal adjusted gross income of the school district's 22305  
residents for the three years most recently reported under section 22306  
3317.021 of the Revised Code divided by (b) its formula ADM. 22307

(B) Rank all school districts in order of local wealth per 22308  
pupil, from the district with the lowest local wealth per pupil to 22309  
the district with the highest local wealth per pupil. 22310

(C) Compute the per pupil state parity aid funding for each 22311  
eligible school district in accordance with the following formula: 22312

(threshold local wealth 22313  
per pupil - the district's local 22314  
wealth per pupil) X ~~0.0075~~ parity millage 22315

Where: 22316

~~(1) Seven and one half mills (0.0075) is an adjustment to the~~ 22317  
~~original parity aid standard of nine and one half mills, to~~ 22318  
~~account for the general assembly's policy decision to phase out~~ 22319  
~~use of the cost of doing business factor in the base cost formula~~ 22320  
In fiscal year 2008, an "eligible school district" means a school 22321  
district with a local wealth per pupil less than that of the 22322  
school district with the four-hundred-eleventh lowest local wealth 22323  
per pupil. In fiscal year 2009, an "eligible school district" 22324

means a school district with a local wealth per pupil less than 22325  
that of the school district with the three-hundred-sixty-eighth 22326  
lowest local wealth per pupil. 22327

(2) The "threshold local wealth per pupil" is the local 22328  
wealth per pupil of the school district with the 22329  
four-hundred-ninetieth lowest local wealth per pupil. 22330

(3) "Parity millage," in fiscal year 2008, equals 0.0080 and, 22331  
in fiscal year 2009, equals 0.0085. 22332

If the result of the calculation for a school district under 22333  
division (C) of this section is less than zero, the district's per 22334  
pupil parity aid shall be zero. 22335

(D) Compute the per pupil alternative parity aid for each 22336  
school district that has a combination of an income factor of 1.0 22337  
or less, a poverty index of 1.0 or greater, and a fiscal year 2005 22338  
cost-of-doing-business factor of 1.0375 or greater, in accordance 22339  
with the following formula: 22340

$$\begin{aligned} & \text{Payment percentage} \times \$60,000 \times 22341 \\ & (1 - \text{income factor}) \times 4/15 \times 0.023 22342 \end{aligned}$$

Where: 22343

(1) "Poverty index" has the same meaning as in section 22344  
3317.029 of the Revised Code. 22345

(2) "Payment percentage," for purposes of division (D) of 22346  
this section, equals 50% in fiscal year 2002 and 100% after fiscal 22347  
year 2002. 22348

(3) "Fiscal year 2005 cost-of-doing-business factor" means 22349  
the cost-of-doing-business factor in effect for fiscal year 2005 22350  
designated under former division (N) of section 3317.02 of the 22351  
Revised Code as that division existed in fiscal year 2005. 22352

(E) Pay each district that has a combination of an income 22353  
factor of 1.0 or less, a poverty index of 1.0 or greater, and a 22354

fiscal year 2005 cost-of-doing-business factor of 1.0375 or greater, the greater of the following: 22355  
22356

(1) The product of the district's per pupil parity aid calculated under division (C) of this section times its net formula ADM; 22357  
22358  
22359

(2) The product of its per pupil alternative parity aid calculated under division (D) of this section times its net formula ADM. 22360  
22361  
22362

(F) Pay every other district the product of its per pupil parity aid calculated under division (C) of this section times its net formula ADM. 22363  
22364  
22365

(G) As used in divisions (E) and (F) of this section, "net formula ADM" means formula ADM minus the number of internet- and computer-based community school students and scholarship students reported under divisions (B)(3)(e), (f), and (g) of section 3317.03 of the Revised Code. 22366  
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**Sec. 3317.03.** Notwithstanding divisions (A)(1), (B)(1), and (C) of this section, except as provided in division (A)(2)(h) of this section, any student enrolled in kindergarten more than half time shall be reported as one-half student under this section. 22371  
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(A) The superintendent of each city and exempted village school district and of each educational service center shall, for the schools under the superintendent's supervision, certify to the state board of education on or before the fifteenth day of October in each year for the first full school week in October the formula ADM. ~~Beginning in fiscal year 2007, each superintendent also shall certify to the state board, for the schools under the superintendent's supervision, the formula ADM for the first full week in February. If a school under the superintendent's supervision is closed for one or more days during that week due to~~ 22375  
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~~hazardous weather conditions or other circumstances described in 22385  
the first paragraph of division (B) of section 3317.01 of the 22386  
Revised Code, the superintendent may apply to the superintendent 22387  
of public instruction for a waiver, under which the superintendent 22388  
of public instruction may exempt the district superintendent from 22389  
certifying the formula ADM for that school for that week and 22390  
specify an alternate week for certifying the formula ADM of that 22391  
school. 22392~~

The formula ADM shall consist of the average daily membership 22393  
during such week of the sum of the following: 22394

(1) On an FTE basis, the number of students in grades 22395  
kindergarten through twelve receiving any educational services 22396  
from the district, except that the following categories of 22397  
students shall not be included in the determination: 22398

(a) Students enrolled in adult education classes; 22399

(b) Adjacent or other district students enrolled in the 22400  
district under an open enrollment policy pursuant to section 22401  
3313.98 of the Revised Code; 22402

(c) Students receiving services in the district pursuant to a 22403  
compact, cooperative education agreement, or a contract, but who 22404  
are entitled to attend school in another district pursuant to 22405  
section 3313.64 or 3313.65 of the Revised Code; 22406

(d) Students for whom tuition is payable pursuant to sections 22407  
3317.081 and 3323.141 of the Revised Code; 22408

(e) Students receiving services in the district through a 22409  
scholarship awarded under either section 3310.41 or sections 22410  
3310.51 to 3310.63 of the Revised Code. 22411

(2) On an FTE basis, except as provided in division (A)(2)(h) 22412  
of this section, the number of students entitled to attend school 22413  
in the district pursuant to section 3313.64 or 3313.65 of the 22414

Revised Code, but receiving educational services in grades	22415
kindergarten through twelve from one or more of the following	22416
entities:	22417
(a) A community school pursuant to Chapter 3314. of the	22418
Revised Code, including any participation in a college pursuant to	22419
Chapter 3365. of the Revised Code while enrolled in such community	22420
school;	22421
(b) An alternative school pursuant to sections 3313.974 to	22422
3313.979 of the Revised Code as described in division (I)(2)(a) or	22423
(b) of this section;	22424
(c) A college pursuant to Chapter 3365. of the Revised Code,	22425
except when the student is enrolled in the college while also	22426
enrolled in a community school pursuant to Chapter 3314. of the	22427
Revised Code;	22428
(d) An adjacent or other school district under an open	22429
enrollment policy adopted pursuant to section 3313.98 of the	22430
Revised Code;	22431
(e) An educational service center or cooperative education	22432
district;	22433
(f) Another school district under a cooperative education	22434
agreement, compact, or contract;	22435
(g) A chartered nonpublic school with a scholarship paid	22436
under section 3310.08 of the Revised Code;	22437
(h) An alternative public provider or a registered private	22438
provider with a scholarship awarded under <u>either</u> section 3310.41	22439
<u>or sections 3310.51 to 3310.63</u> of the Revised Code. Each such	22440
scholarship student who is enrolled in kindergarten shall be	22441
counted as one full-time-equivalent student.	22442
As used in this section, "alternative public provider" and	22443
"registered private provider" have the same meanings as in section	22444

3310.41 or 3310.51 of the Revised Code, as applicable. 22445

(3) Twenty per cent of the number of students enrolled in a 22446  
joint vocational school district or under a vocational education 22447  
compact, excluding any students entitled to attend school in the 22448  
district under section 3313.64 or 3313.65 of the Revised Code who 22449  
are enrolled in another school district through an open enrollment 22450  
policy as reported under division (A)(2)(d) of this section and 22451  
then enroll in a joint vocational school district or under a 22452  
vocational education compact; 22453

(4) The number of handicapped children, other than 22454  
handicapped preschool children, entitled to attend school in the 22455  
district pursuant to section 3313.64 or 3313.65 of the Revised 22456  
Code who are placed by the district with a county MR/DD board, 22457  
minus the number of such children placed with a county MR/DD board 22458  
in fiscal year 1998. If this calculation produces a negative 22459  
number, the number reported under division (A)(4) of this section 22460  
shall be zero. 22461

~~(5) Beginning in fiscal year 2007, in the case of the report 22462  
submitted for the first full week in February, or the alternative 22463  
week if specified by the superintendent of public instruction, the 22464  
number of students reported under division (A)(1) or (2) of this 22465  
section for the first full week of the preceding October but who 22466  
since that week have received high school diplomas. 22467~~

(B) To enable the department of education to obtain the data 22468  
needed to complete the calculation of payments pursuant to this 22469  
chapter, in addition to the formula ADM, each superintendent shall 22470  
report separately the following student counts for the same week 22471  
for which formula ADM is certified: 22472

(1) The total average daily membership in regular day classes 22473  
included in the report under division (A)(1) or (2) of this 22474  
section for kindergarten, and each of grades one through twelve in 22475

schools under the superintendent's supervision;	22476
(2) The number of all handicapped preschool children enrolled as of the first day of December in classes in the district that are eligible for approval under division (B) of section 3317.05 of the Revised Code and the number of those classes, which shall be reported not later than the fifteenth day of December, in accordance with rules adopted under that section;	22477 22478 22479 22480 22481 22482
(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are:	22483 22484 22485
(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;	22486 22487 22488
(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;	22489 22490 22491 22492
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	22493 22494
(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;	22495 22496 22497 22498 22499 22500
(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;	22501 22502 22503 22504
(f) Enrolled in a chartered nonpublic school with a	22505

scholarship paid under section 3310.08 of the Revised Code;	22506
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under <u>either</u> section 3310.41 <u>or sections</u> 3310.51 to 3310.63 of the Revised Code;	22507 22508 22509 22510
(h) 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;	22511 22512 22513
(i) Participating in a program operated by a county MR/DD board or a state institution.	22514 22515
(4) The number of pupils enrolled in joint vocational schools;	22516 22517
(5) The <u>combined</u> 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, <u>including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.63 of the Revised Code;</u>	22518 22519 22520 22521 22522 22523 22524 22525
(6) The <u>combined</u> 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, <u>including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.63 of the Revised Code;</u>	22526 22527 22528 22529 22530 22531 22532 22533
(7) The <u>combined</u> average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category three handicaps	22534 22535 22536

described in division (C) of section 3317.013 of the Revised Code, 22537  
including children attending a special education program operated 22538  
by an alternative public provider or a registered private provider 22539  
with a scholarship awarded under sections 3310.51 to 3310.63 of 22540  
the Revised Code; 22541

(8) The combined average daily membership of handicapped 22542  
children reported under division (A)(1) or (2) of this section 22543  
receiving special education services for category four handicaps 22544  
described in division (D) of section 3317.013 of the Revised Code, 22545  
including children attending a special education program operated 22546  
by an alternative public provider or a registered private provider 22547  
with a scholarship awarded under sections 3310.51 to 3310.63 of 22548  
the Revised Code; 22549

(9) The combined average daily membership of handicapped 22550  
children reported under division (A)(1) or (2) of this section 22551  
receiving special education services for the category five 22552  
handicap described in division (E) of section 3317.013 of the 22553  
Revised Code, including children attending a special education 22554  
program operated by an alternative public provider or a registered 22555  
private provider with a scholarship awarded under sections 3310.51 22556  
to 3310.63 of the Revised Code; 22557

(10) The combined average daily membership of handicapped 22558  
children reported under division (A)(1) or (2) and under division 22559  
(B)(3)(h) of this section receiving special education services for 22560  
category six handicaps described in division (F) of section 22561  
3317.013 of the Revised Code, including children attending a 22562  
special education program operated by an alternative public 22563  
provider or a registered private provider with a scholarship 22564  
awarded under either section 3310.41 or sections 3310.51 to 22565  
3310.63 of the Revised Code; 22566

(11) The average daily membership of pupils reported under 22567  
division (A)(1) or (2) of this section enrolled in category one 22568

vocational education programs or classes, described in division 22569  
(A) of section 3317.014 of the Revised Code, operated by the 22570  
school district or by another district, other than a joint 22571  
vocational school district, or by an educational service center, 22572  
excluding any student reported under division (B)(3)(e) of this 22573  
section as enrolled in an internet- or computer-based community 22574  
school, notwithstanding division (C) of section 3317.02 of the 22575  
Revised Code and division (C)(3) of this section; 22576

(12) The average daily membership of pupils reported under 22577  
division (A)(1) or (2) of this section enrolled in category two 22578  
vocational education programs or services, described in division 22579  
(B) of section 3317.014 of the Revised Code, operated by the 22580  
school district or another school district, other than a joint 22581  
vocational school district, or by an educational service center, 22582  
excluding any student reported under division (B)(3)(e) of this 22583  
section as enrolled in an internet- or computer-based community 22584  
school, notwithstanding division (C) of section 3317.02 of the 22585  
Revised Code and division (C)(3) of this section; 22586

(13) The average number of children transported by the school 22587  
district on board-owned or contractor-owned and -operated buses, 22588  
reported in accordance with rules adopted by the department of 22589  
education; 22590

(14)(a) The number of children, other than handicapped 22591  
preschool children, the district placed with a county MR/DD board 22592  
in fiscal year 1998; 22593

(b) The number of handicapped children, other than 22594  
handicapped preschool children, placed with a county MR/DD board 22595  
in the current fiscal year to receive special education services 22596  
for the category one handicap described in division (A) of section 22597  
3317.013 of the Revised Code; 22598

(c) The number of handicapped children, other than 22599

handicapped preschool children, placed with a county MR/DD board 22600  
in the current fiscal year to receive special education services 22601  
for category two handicaps described in division (B) of section 22602  
3317.013 of the Revised Code; 22603

(d) The number of handicapped children, other than 22604  
handicapped preschool children, placed with a county MR/DD board 22605  
in the current fiscal year to receive special education services 22606  
for category three handicaps described in division (C) of section 22607  
3317.013 of the Revised Code; 22608

(e) The number of handicapped children, other than 22609  
handicapped preschool children, placed with a county MR/DD board 22610  
in the current fiscal year to receive special education services 22611  
for category four handicaps described in division (D) of section 22612  
3317.013 of the Revised Code; 22613

(f) The number of handicapped children, other than 22614  
handicapped preschool children, placed with a county MR/DD board 22615  
in the current fiscal year to receive special education services 22616  
for the category five handicap described in division (E) of 22617  
section 3317.013 of the Revised Code; 22618

(g) The number of handicapped children, other than 22619  
handicapped preschool children, placed with a county MR/DD board 22620  
in the current fiscal year to receive special education services 22621  
for category six handicaps described in division (F) of section 22622  
3317.013 of the Revised Code. 22623

(C)(1) Except as otherwise provided in this section for 22624  
kindergarten students, the average daily membership in divisions 22625  
(B)(1) to (12) of this section shall be based upon the number of 22626  
full-time equivalent students. The state board of education shall 22627  
adopt rules defining full-time equivalent students and for 22628  
determining the average daily membership therefrom for the 22629  
purposes of divisions (A), (B), and (D) of this section. 22630



(2) A student enrolled in a community school established under Chapter 3314. of the Revised Code shall be counted in the formula ADM and, if applicable, the category one, two, three, four, five, or six special education ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that the student is counted in the enrollment of the community school for purposes of section 3314.08 of the Revised Code.

(3) No child shall be counted as more than a total of one child in the sum of the average daily memberships of a school district under division (A), divisions (B)(1) to (12), or division (D) of this section, except as follows:

(a) A child with a handicap described in section 3317.013 of the Revised Code may be counted both in formula ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one or two vocational education ADM. As provided in division (C) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in formula ADM.

(b) A child enrolled in vocational education programs or classes described in section 3317.014 of the Revised Code may be counted both in formula ADM and category one or two vocational education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one or two vocational education ADM in the same proportion as the percentage of time that the child spends in the vocational education programs or classes.

(4) Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each

school district. 22663

(D)(1) The superintendent of each joint vocational school 22664  
district shall certify to the superintendent of public instruction 22665  
on or before the fifteenth day of October in each year for the 22666  
first full school week in October the formula ADM. ~~Beginning in~~ 22667  
~~fiscal year 2007, each superintendent also shall certify to the~~ 22668  
~~state superintendent the formula ADM for the first full week in~~ 22669  
~~February. If a school operated by the joint vocational school~~ 22670  
~~district is closed for one or more days during that week due to~~ 22671  
~~hazardous weather conditions or other circumstances described in~~ 22672  
~~the first paragraph of division (B) of section 3317.01 of the~~ 22673  
~~Revised Code, the superintendent may apply to the superintendent~~ 22674  
~~of public instruction for a waiver, under which the superintendent~~ 22675  
~~of public instruction may exempt the district superintendent from~~ 22676  
~~certifying the formula ADM for that school for that week and~~ 22677  
~~specify an alternate week for certifying the formula ADM of that~~ 22678  
~~school.~~ 22679

The formula ADM, except as otherwise provided in this 22680  
division, shall consist of the average daily membership during 22681  
such week, on an FTE basis, of the number of students receiving 22682  
any educational services from the district, including students 22683  
enrolled in a community school established under Chapter 3314. of 22684  
the Revised Code who are attending the joint vocational district 22685  
under an agreement between the district board of education and the 22686  
governing authority of the community school and are entitled to 22687  
attend school in a city, local, or exempted village school 22688  
district whose territory is part of the territory of the joint 22689  
vocational district. ~~Beginning in fiscal year 2007, in the case of~~ 22690  
~~the report submitted for the first week in February, or the~~ 22691  
~~alternative week if specified by the superintendent of public~~ 22692  
~~instruction, the superintendent of the joint vocational school~~ 22693  
~~district may include the number of students reported under~~ 22694

~~division (D)(1) of this section for the first full week of the~~ 22695  
~~preceding October but who since that week have received high~~ 22696  
~~school diplomas.~~ 22697

The following categories of students shall not be included in 22698  
the determination made under division (D)(1) of this section: 22699

(a) Students enrolled in adult education classes; 22700

(b) Adjacent or other district joint vocational students 22701  
enrolled in the district under an open enrollment policy pursuant 22702  
to section 3313.98 of the Revised Code; 22703

(c) Students receiving services in the district pursuant to a 22704  
compact, cooperative education agreement, or a contract, but who 22705  
are entitled to attend school in a city, local, or exempted 22706  
village school district whose territory is not part of the 22707  
territory of the joint vocational district; 22708

(d) Students for whom tuition is payable pursuant to sections 22709  
3317.081 and 3323.141 of the Revised Code. 22710

(2) To enable the department of education to obtain the data 22711  
needed to complete the calculation of payments pursuant to this 22712  
chapter, in addition to the formula ADM, each superintendent shall 22713  
report separately the average daily membership included in the 22714  
report under division (D)(1) of this section for each of the 22715  
following categories of students for the same week for which 22716  
formula ADM is certified: 22717

(a) Students enrolled in each grade included in the joint 22718  
vocational district schools; 22719

(b) Handicapped children receiving special education services 22720  
for the category one handicap described in division (A) of section 22721  
3317.013 of the Revised Code; 22722

(c) Handicapped children receiving special education services 22723  
for the category two handicaps described in division (B) of 22724

section 3317.013 of the Revised Code;	22725
(d) Handicapped children receiving special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code;	22726 22727 22728
(e) Handicapped children receiving special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;	22729 22730 22731
(f) Handicapped children receiving special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;	22732 22733 22734
(g) Handicapped children receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code;	22735 22736 22737
(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;	22738 22739 22740
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.	22741 22742 22743
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	22744 22745 22746 22747 22748
(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of	22749 22750 22751 22752 22753 22754

any school shall not include any pupils except those pupils 22755  
described by division (A) of this section. The record of 22756  
membership for each school shall be maintained in such manner that 22757  
no pupil shall be counted as in membership prior to the actual 22758  
date of entry in the school and also in such manner that where for 22759  
any cause a pupil permanently withdraws from the school that pupil 22760  
shall not be counted as in membership from and after the date of 22761  
such withdrawal. There shall not be included in the membership of 22762  
any school any of the following: 22763

(1) Any pupil who has graduated from the twelfth grade of a 22764  
public or nonpublic high school; 22765

(2) Any pupil who is not a resident of the state; 22766

(3) Any pupil who was enrolled in the schools of the district 22767  
during the previous school year when tests were administered under 22768  
section 3301.0711 of the Revised Code but did not take one or more 22769  
of the tests required by that section and was not excused pursuant 22770  
to division (C)(1) or (3) of that section; 22771

(4) Any pupil who has attained the age of twenty-two years, 22772  
except for veterans of the armed services whose attendance was 22773  
interrupted before completing the recognized twelve-year course of 22774  
the public schools by reason of induction or enlistment in the 22775  
armed forces and who apply for reenrollment in the public school 22776  
system of their residence not later than four years after 22777  
termination of war or their honorable discharge. 22778

If, however, any veteran described by division (E)(4) of this 22779  
section elects to enroll in special courses organized for veterans 22780  
for whom tuition is paid under the provisions of federal laws, or 22781  
otherwise, that veteran shall not be included in average daily 22782  
membership. 22783

Notwithstanding division (E)(3) of this section, the 22784  
membership of any school may include a pupil who did not take a 22785

test required by section 3301.0711 of the Revised Code if the 22786  
superintendent of public instruction grants a waiver from the 22787  
requirement to take the test to the specific pupil and a parent is 22788  
not paying tuition for the pupil pursuant to section 3313.6410 of 22789  
the Revised Code. The superintendent may grant such a waiver only 22790  
for good cause in accordance with rules adopted by the state board 22791  
of education. 22792

Except as provided in divisions (B)(2) and (F) of this 22793  
section, the average daily membership figure of any local, city, 22794  
exempted village, or joint vocational school district shall be 22795  
determined by dividing the figure representing the sum of the 22796  
number of pupils enrolled during each day the school of attendance 22797  
is actually open for instruction during the week for which the 22798  
formula ADM is being certified by the total number of days the 22799  
school was actually open for instruction during that week. For 22800  
purposes of state funding, "enrolled" persons are only those 22801  
pupils who are attending school, those who have attended school 22802  
during the current school year and are absent for authorized 22803  
reasons, and those handicapped children currently receiving home 22804  
instruction. 22805

The average daily membership figure of any cooperative 22806  
education school district shall be determined in accordance with 22807  
rules adopted by the state board of education. 22808

(F)(1) If the formula ADM for the first full school week in 22809  
February is at least three per cent greater than that certified 22810  
for the first full school week in the preceding October, the 22811  
superintendent of schools of any city, exempted village, or joint 22812  
vocational school district or educational service center shall 22813  
certify such increase to the superintendent of public instruction. 22814  
Such certification shall be submitted no later than the fifteenth 22815  
day of February. For the balance of the fiscal year, beginning 22816  
with the February payments, the superintendent of public 22817

instruction shall use the increased formula ADM in calculating or 22818  
recalculating the amounts to be allocated in accordance with 22819  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 22820  
the superintendent use an increased membership certified to the 22821  
superintendent after the fifteenth day of February. ~~Division~~ 22822  
~~(F)(1) of this section does not apply after fiscal year 2006.~~ 22823

(2) If on the first school day of April the total number of 22824  
classes or units for handicapped preschool children that are 22825  
eligible for approval under division (B) of section 3317.05 of the 22826  
Revised Code exceeds the number of units that have been approved 22827  
for the year under that division, the superintendent of schools of 22828  
any city, exempted village, or cooperative education school 22829  
district or educational service center shall make the 22830  
certifications required by this section for that day. If the 22831  
department determines additional units can be approved for the 22832  
fiscal year within any limitations set forth in the acts 22833  
appropriating moneys for the funding of such units, the department 22834  
shall approve additional units for the fiscal year on the basis of 22835  
such average daily membership. For each unit so approved, the 22836  
department shall pay an amount computed in the manner prescribed 22837  
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 22838  
Code. 22839

(3) If a student attending a community school under Chapter 22840  
3314. of the Revised Code is not included in the formula ADM 22841  
certified for the school district in which the student is entitled 22842  
to attend school under section 3313.64 or 3313.65 of the Revised 22843  
Code, the department of education shall adjust the formula ADM of 22844  
that school district to include the community school student in 22845  
accordance with division (C)(2) of this section, and shall 22846  
recalculate the school district's payments under this chapter for 22847  
the entire fiscal year on the basis of that adjusted formula ADM. 22848  
This requirement applies regardless of whether the student was 22849

enrolled, as defined in division (E) of this section, in the 22850  
community school during the week for which the formula ADM is 22851  
being certified. 22852

(4) If a student awarded an educational choice scholarship is 22853  
not included in the formula ADM of the school district from which 22854  
the department deducts funds for the scholarship under section 22855  
3310.08 of the Revised Code, the department shall adjust the 22856  
formula ADM of that school district to include the student to the 22857  
extent necessary to account for the deduction, and shall 22858  
recalculate the school district's payments under this chapter for 22859  
the entire fiscal year on the basis of that adjusted formula ADM. 22860  
This requirement applies regardless of whether the student was 22861  
enrolled, as defined in division (E) of this section, in the 22862  
chartered nonpublic school, the school district, or a community 22863  
school during the week for which the formula ADM is being 22864  
certified. 22865

(G)(1)(a) The superintendent of an institution operating a 22866  
special education program pursuant to section 3323.091 of the 22867  
Revised Code shall, for the programs under such superintendent's 22868  
supervision, certify to the state board of education, in the 22869  
manner prescribed by the superintendent of public instruction, 22870  
both of the following: 22871

(i) The average daily membership of all handicapped children 22872  
other than handicapped preschool children receiving services at 22873  
the institution for each category of handicap described in 22874  
divisions (A) to (F) of section 3317.013 of the Revised Code; 22875

(ii) The average daily membership of all handicapped 22876  
preschool children in classes or programs approved annually by the 22877  
department of education for unit funding under section 3317.05 of 22878  
the Revised Code. 22879

(b) The superintendent of an institution with vocational 22880



education units approved under division (A) of section 3317.05 of 22881  
the Revised Code shall, for the units under the superintendent's 22882  
supervision, certify to the state board of education the average 22883  
daily membership in those units, in the manner prescribed by the 22884  
superintendent of public instruction. 22885

(2) The superintendent of each county MR/DD board that 22886  
maintains special education classes under section 3317.20 of the 22887  
Revised Code or units approved pursuant to section 3317.05 of the 22888  
Revised Code shall do both of the following: 22889

(a) Certify to the state board, in the manner prescribed by 22890  
the board, the average daily membership in classes under section 22891  
3317.20 of the Revised Code for each school district that has 22892  
placed children in the classes; 22893

(b) Certify to the state board, in the manner prescribed by 22894  
the board, the number of all handicapped preschool children 22895  
enrolled as of the first day of December in classes eligible for 22896  
approval under division (B) of section 3317.05 of the Revised 22897  
Code, and the number of those classes. 22898

(3)(a) If on the first school day of April the number of 22899  
classes or units maintained for handicapped preschool children by 22900  
the county MR/DD board that are eligible for approval under 22901  
division (B) of section 3317.05 of the Revised Code is greater 22902  
than the number of units approved for the year under that 22903  
division, the superintendent shall make the certification required 22904  
by this section for that day. 22905

(b) If the department determines that additional classes or 22906  
units can be approved for the fiscal year within any limitations 22907  
set forth in the acts appropriating moneys for the funding of the 22908  
classes and units described in division (G)(3)(a) of this section, 22909  
the department shall approve and fund additional units for the 22910  
fiscal year on the basis of such average daily membership. For 22911

each unit so approved, the department shall pay an amount computed 22912  
in the manner prescribed in sections 3317.052 and 3317.053 of the 22913  
Revised Code. 22914

(H) Except as provided in division (I) of this section, when 22915  
any city, local, or exempted village school district provides 22916  
instruction for a nonresident pupil whose attendance is 22917  
unauthorized attendance as defined in section 3327.06 of the 22918  
Revised Code, that pupil's membership shall not be included in 22919  
that district's membership figure used in the calculation of that 22920  
district's formula ADM or included in the determination of any 22921  
unit approved for the district under section 3317.05 of the 22922  
Revised Code. The reporting official shall report separately the 22923  
average daily membership of all pupils whose attendance in the 22924  
district is unauthorized attendance, and the membership of each 22925  
such pupil shall be credited to the school district in which the 22926  
pupil is entitled to attend school under division (B) of section 22927  
3313.64 or section 3313.65 of the Revised Code as determined by 22928  
the department of education. 22929

(I)(1) A city, local, exempted village, or joint vocational 22930  
school district admitting a scholarship student of a pilot project 22931  
district pursuant to division (C) of section 3313.976 of the 22932  
Revised Code may count such student in its average daily 22933  
membership. 22934

(2) In any year for which funds are appropriated for pilot 22935  
project scholarship programs, a school district implementing a 22936  
state-sponsored pilot project scholarship program that year 22937  
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 22938  
count in average daily membership: 22939

(a) All children residing in the district and utilizing a 22940  
scholarship to attend kindergarten in any alternative school, as 22941  
defined in section 3313.974 of the Revised Code; 22942

(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 23006  
revised valuations were entered on the tax list and duplicate. 23007  
Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, and 23008  
3311.38 of the Revised Code, this minimum guarantee is applicable 23009  
only during the fiscal year immediately following the reassessment 23010  
or application. 23011~~

Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, 23012  
and 3311.38 of the Revised Code, the minimum guarantees prescribed 23013  
by divisions (A) and (B) of this section shall not affect the 23014  
amount of aid received by a school district for more than three 23015  
consecutive years. 23016

**Sec. 3317.05.** (A) For the purpose of calculating payments 23017  
under sections 3317.052 and 3317.053 of the Revised Code, the 23018  
department of education shall determine for each institution, by 23019  
the last day of January of each year and based on information 23020  
certified under section 3317.03 of the Revised Code, the number of 23021  
vocational education units or fractions of units approved by the 23022  
department on the basis of standards and rules adopted by the 23023  
state board of education. As used in this division, "institution" 23024  
means an institution operated by a department specified in section 23025  
3323.091 of the Revised Code and that provides vocational 23026  
education programs under the supervision of the division of 23027  
vocational education of the department that meet the standards and 23028  
rules for these programs, including licensure of professional 23029  
staff involved in the programs, as established by the state board. 23030

(B) For the purpose of calculating payments under sections 23031  
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 23032  
department shall determine, based on information certified under 23033  
section 3317.03 of the Revised Code, the following by the last day 23034  
of January of each year for each educational service center, for 23035  
each school district, including each cooperative education school 23036

district, for each institution eligible for payment under section 23037  
3323.091 of the Revised Code, and for each county MR/DD board: the 23038  
number of classes operated by the school district, service center, 23039  
institution, or county MR/DD board for handicapped preschool 23040  
children, or fraction thereof, including in the case of a district 23041  
or service center that is a funding agent, classes taught by a 23042  
licensed teacher employed by that district or service center under 23043  
section 3313.841 of the Revised Code, approved annually by the 23044  
department on the basis of standards and rules adopted by the 23045  
state board. 23046

(C) For the purpose of calculating payments under sections 23047  
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 23048  
department shall determine, based on information certified under 23049  
section 3317.03 of the Revised Code, the following by the last day 23050  
of January of each year for each school district, including each 23051  
cooperative education school district, for each institution 23052  
eligible for payment under section 3323.091 of the Revised Code, 23053  
and for each county MR/DD board: the number of preschool 23054  
handicapped units for related services, as defined in section 23055  
3323.01 of the Revised Code, approved annually by the department 23056  
on the basis of standards and rules adopted by the state board. 23057

(D) All of the arithmetical calculations made under this 23058  
section shall be carried to the second decimal place. The total 23059  
number of units for school districts, service centers, and 23060  
institutions approved annually under this section shall not exceed 23061  
the number of units included in the estimate of cost for these 23062  
units and appropriations made for them by the general assembly. 23063

In the case of handicapped preschool units described in 23064  
division (B) of this section, the department shall approve only 23065  
preschool units for children who are under age six on the 23066  
thirtieth day of September of the academic year, ~~or on the first~~ 23067  
~~day of August of the academic year if the school district in which~~ 23068

~~the child is enrolled has adopted a resolution under division~~ 23069  
~~(A)(3) of section 3321.01 of the Revised Code, but not less than~~ 23070  
age three on the first day of December of the academic year, 23071  
except that such a unit may include one or more children who are 23072  
under age three or are age six or over on the applicable date, as 23073  
reported under division (B)(2) or (G)(2)(b) of section 3317.03 of 23074  
the Revised Code, if such children have been admitted to the unit 23075  
pursuant to rules of the state board. The number of units for 23076  
county MR/DD boards and institutions eligible for payment under 23077  
section 3323.091 of the Revised Code approved under this section 23078  
shall not exceed the number that can be funded with appropriations 23079  
made for such purposes by the general assembly. 23080

No unit shall be approved under divisions (B) and (C) of this 23081  
section unless a plan has been submitted and approved under 23082  
Chapter 3323. of the Revised Code. 23083

(E) The department shall approve units or fractions thereof 23084  
for gifted children on the basis of standards and rules adopted by 23085  
the state board. 23086

**Sec. 3317.06.** Moneys paid to school districts under division 23087  
(I) of section 3317.024 of the Revised Code shall be used for the 23088  
following independent and fully severable purposes: 23089

(A) To purchase such secular textbooks or electronic 23090  
textbooks as have been approved by the superintendent of public 23091  
instruction for use in public schools in the state and to loan 23092  
such textbooks or electronic textbooks to pupils attending 23093  
nonpublic schools within the district or to their parents and to 23094  
hire clerical personnel to administer such lending program. Such 23095  
loans shall be based upon individual requests submitted by such 23096  
nonpublic school pupils or parents. Such requests shall be 23097  
submitted to the school district in which the nonpublic school is 23098  
located. Such individual requests for the loan of textbooks or 23099

electronic textbooks shall, for administrative convenience, be 23100  
submitted by the nonpublic school pupil or the pupil's parent to 23101  
the nonpublic school, which shall prepare and submit collective 23102  
summaries of the individual requests to the school district. As 23103  
used in this section: 23104

(1) "Textbook" means any book or book substitute that a pupil 23105  
uses as a consumable or nonconsumable text, text substitute, or 23106  
text supplement in a particular class or program in the school the 23107  
pupil regularly attends. 23108

(2) "Electronic textbook" means computer software, 23109  
interactive videodisc, magnetic media, CD-ROM, computer 23110  
courseware, local and remote computer assisted instruction, 23111  
on-line service, electronic medium, or other means of conveying 23112  
information to the student or otherwise contributing to the 23113  
learning process through electronic means. 23114

(B) To provide speech and hearing diagnostic services to 23115  
pupils attending nonpublic schools within the district. Such 23116  
service shall be provided in the nonpublic school attended by the 23117  
pupil receiving the service. 23118

(C) To provide physician, nursing, dental, and optometric 23119  
services to pupils attending nonpublic schools within the 23120  
district. Such services shall be provided in the school attended 23121  
by the nonpublic school pupil receiving the service. 23122

(D) To provide diagnostic psychological services to pupils 23123  
attending nonpublic schools within the district. Such services 23124  
shall be provided in the school attended by the pupil receiving 23125  
the service. 23126

(E) To provide therapeutic psychological and speech and 23127  
hearing services to pupils attending nonpublic schools within the 23128  
district. Such services shall be provided in the public school, in 23129  
nonpublic schools, in public centers, or in mobile units located 23130



on or off of the nonpublic premises. If such services are provided 23131  
in the public school or in public centers, transportation to and 23132  
from such facilities shall be provided by the school district in 23133  
which the nonpublic school is located. 23134

(F) To provide guidance and counseling services to pupils 23135  
attending nonpublic schools within the district. Such services 23136  
shall be provided in the public school, in nonpublic schools, in 23137  
public centers, or in mobile units located on or off of the 23138  
nonpublic premises. If such services are provided in the public 23139  
school or in public centers, transportation to and from such 23140  
facilities shall be provided by the school district in which the 23141  
nonpublic school is located. 23142

(G) To provide remedial services to pupils attending 23143  
nonpublic schools within the district. Such services shall be 23144  
provided in the public school, in nonpublic schools, in public 23145  
centers, or in mobile units located on or off of the nonpublic 23146  
premises. If such services are provided in the public school or in 23147  
public centers, transportation to and from such facilities shall 23148  
be provided by the school district in which the nonpublic school 23149  
is located. 23150

(H) To supply for use by pupils attending nonpublic schools 23151  
within the district such standardized tests and scoring services 23152  
as are in use in the public schools of the state; 23153

(I) To provide programs for children who attend nonpublic 23154  
schools within the district and are handicapped children as 23155  
defined in division (A) of section 3323.01 of the Revised Code or 23156  
gifted children. Such programs shall be provided in the public 23157  
school, in nonpublic schools, in public centers, or in mobile 23158  
units located on or off of the nonpublic premises. If such 23159  
programs are provided in the public school or in public centers, 23160  
transportation to and from such facilities shall be provided by 23161  
the school district in which the nonpublic school is located. 23162

(J) To hire clerical personnel to assist in the 23163  
administration of programs pursuant to divisions (B), (C), (D), 23164  
(E), (F), (G), and (I) of this section and to hire supervisory 23165  
personnel to supervise the providing of services and textbooks 23166  
pursuant to this section. 23167

(K) To purchase or lease any secular, neutral, and 23168  
nonideological computer software (including site-licensing), 23169  
prerecorded video laserdiscs, digital video on demand (DVD), 23170  
compact discs, and video cassette cartridges, wide area 23171  
connectivity and related technology as it relates to internet 23172  
access, mathematics or science equipment and materials, 23173  
instructional materials, and school library materials that are in 23174  
general use in the public schools of the state and loan such items 23175  
to pupils attending nonpublic schools within the district or to 23176  
their parents, and to hire clerical personnel to administer the 23177  
lending program. Only such items that are incapable of diversion 23178  
to religious use and that are susceptible of loan to individual 23179  
pupils and are furnished for the use of individual pupils shall be 23180  
purchased and loaned under this division. As used in this section, 23181  
"instructional materials" means prepared learning materials that 23182  
are secular, neutral, and nonideological in character and are of 23183  
benefit to the instruction of school children, and may include 23184  
educational resources and services developed by the eTech Ohio 23185  
commission. 23186

(L) To purchase or lease instructional equipment, including 23187  
computer hardware and related equipment in general use in the 23188  
public schools of the state, for use by pupils attending nonpublic 23189  
schools within the district and to loan such items to pupils 23190  
attending nonpublic schools within the district or to their 23191  
parents, and to hire clerical personnel to administer the lending 23192  
program. 23193

(M) To purchase mobile units to be used for the provision of 23194

services pursuant to divisions (E), (F), (G), and (I) of this 23195  
section and to pay for necessary repairs and operating costs 23196  
associated with these units. 23197

(N) To reimburse costs the district incurred to store the 23198  
records of a chartered nonpublic school that closes. 23199  
Reimbursements under this division shall be made one time only for 23200  
each chartered nonpublic school that closes. 23201

Clerical and supervisory personnel hired pursuant to division 23202  
(J) of this section shall perform their services in the public 23203  
schools, in nonpublic schools, public centers, or mobile units 23204  
where the services are provided to the nonpublic school pupil, 23205  
except that such personnel may accompany pupils to and from the 23206  
service sites when necessary to ensure the safety of the children 23207  
receiving the services. 23208

All services provided pursuant to this section may be 23209  
provided under contract with educational service centers, the 23210  
department of health, city or general health districts, or private 23211  
agencies whose personnel are properly licensed by an appropriate 23212  
state board or agency. 23213

Transportation of pupils provided pursuant to divisions (E), 23214  
(F), (G), and (I) of this section shall be provided by the school 23215  
district from its general funds and not from moneys paid to it 23216  
under division (I) of section 3317.024 of the Revised Code unless 23217  
a special transportation request is submitted by the parent of the 23218  
child receiving service pursuant to such divisions. If such an 23219  
application is presented to the school district, it may pay for 23220  
the transportation from moneys paid to it under division (I) of 23221  
section 3317.024 of the Revised Code. 23222

No school district shall provide health or remedial services 23223  
to nonpublic school pupils as authorized by this section unless 23224  
such services are available to pupils attending the public schools 23225

within the district. 23226

Materials, equipment, computer hardware or software, 23227  
textbooks, electronic textbooks, and health and remedial services 23228  
provided for the benefit of nonpublic school pupils pursuant to 23229  
this section and the admission of pupils to such nonpublic schools 23230  
shall be provided without distinction as to race, creed, color, or 23231  
national origin of such pupils or of their teachers. 23232

No school district shall provide services, materials, or 23233  
equipment that contain religious content for use in religious 23234  
courses, devotional exercises, religious training, or any other 23235  
religious activity. 23236

As used in this section, "parent" includes a person standing 23237  
in loco parentis to a child. 23238

Notwithstanding section 3317.01 of the Revised Code, payments 23239  
shall be made under this section to any city, local, or exempted 23240  
village school district within which is located one or more 23241  
nonpublic elementary or high schools and any payments made to 23242  
school districts under division (I) of section 3317.024 of the 23243  
Revised Code for purposes of this section may be disbursed without 23244  
submission to and approval of the controlling board. 23245

The allocation of payments for materials, equipment, 23246  
textbooks, electronic textbooks, health services, and remedial 23247  
services to city, local, and exempted village school districts 23248  
shall be on the basis of the state board of education's estimated 23249  
annual average daily membership in nonpublic elementary and high 23250  
schools located in the district. 23251

Payments made to city, local, and exempted village school 23252  
districts under this section shall be equal to specific 23253  
appropriations made for the purpose. All interest earned by a 23254  
school district on such payments shall be used by the district for 23255  
the same purposes and in the same manner as the payments may be 23256

used. 23257

The department of education shall adopt guidelines and 23258  
procedures under which such programs and services shall be 23259  
provided, under which districts shall be reimbursed for 23260  
administrative costs incurred in providing such programs and 23261  
services, and under which any unexpended balance of the amounts 23262  
appropriated by the general assembly to implement this section may 23263  
be transferred to the auxiliary services personnel unemployment 23264  
compensation fund established pursuant to section 4141.47 of the 23265  
Revised Code. The department shall also adopt guidelines and 23266  
procedures limiting the purchase and loan of the items described 23267  
in division (K) of this section to items that are in general use 23268  
in the public schools of the state, that are incapable of 23269  
diversion to religious use, and that are susceptible to individual 23270  
use rather than classroom use. Within thirty days after the end of 23271  
each biennium, each board of education shall remit to the 23272  
department all moneys paid to it under division (I) of section 23273  
3317.024 of the Revised Code and any interest earned on those 23274  
moneys that are not required to pay expenses incurred under this 23275  
section during the biennium for which the money was appropriated 23276  
and during which the interest was earned. If a board of education 23277  
subsequently determines that the remittal of moneys leaves the 23278  
board with insufficient money to pay all valid expenses incurred 23279  
under this section during the biennium for which the remitted 23280  
money was appropriated, the board may apply to the department of 23281  
education for a refund of money, not to exceed the amount of the 23282  
insufficiency. If the department determines the expenses were 23283  
lawfully incurred and would have been lawful expenditures of the 23284  
refunded money, it shall certify its determination and the amount 23285  
of the refund to be made to the director of job and family 23286  
services who shall make a refund as provided in section 4141.47 of 23287  
the Revised Code. 23288

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 23351  
proportion to the number of school days the child is enrolled in 23352  
the district during the school year. 23353

Except as otherwise provided in division (J) of section 23354  
3313.64 of the Revised Code, whenever a district admits a child to 23355  
its schools for whom tuition computed in accordance with this 23356  
section is an obligation of another school district, the amount of 23357  
the tuition shall be certified by the treasurer of the board of 23358  
education of the district of attendance, to the board of education 23359  
of the district required to pay tuition for its approval and 23360  
payment. If agreement as to the amount payable or the district 23361  
required to pay the tuition cannot be reached, or the board of 23362  
education of the district required to pay the tuition refuses to 23363  
pay that amount, the board of education of the district of 23364  
attendance shall notify the superintendent of public instruction. 23365  
The superintendent shall determine the correct amount and the 23366  
district required to pay the tuition and shall deduct that amount, 23367  
if any, under division (G) of section 3317.023 of the Revised 23368  
Code, from the district required to pay the tuition and add that 23369  
amount to the amount allocated to the district attended under such 23370  
division. The superintendent of public instruction shall send to 23371  
the district required to pay the tuition an itemized statement 23372  
showing such deductions at the time of such deduction. 23373

When a political subdivision owns and operates an airport, 23374  
welfare, or correctional institution or other project or facility 23375  
outside its corporate limits, the territory within which the 23376  
facility is located is exempt from taxation by the school district 23377  
within which such territory is located, and there are school age 23378  
children residing within such territory, the political subdivision 23379  
owning such tax exempt territory shall pay tuition to the district 23380  
in which such children attend school. The tuition for these 23381  
children shall be computed as provided for in this section. 23382



Sec. 3317.16. (A) As used in this section:	23383
(1) "State share percentage" means the percentage calculated for a joint vocational school district as follows:	23384 23385
(a) Calculate the state base cost funding amount for the district under division (B) of this section. If the district would not receive any base cost funding for that year under that division, the district's state share percentage is zero.	23386 23387 23388 23389
(b) If the district would receive base cost funding under that division, divide that base cost amount by an amount equal to the following:	23390 23391 23392
<del>cost of doing business factor X</del>	23393
the formula amount X	23394
formula ADM	23395
The resultant number is the district's state share percentage.	23396 23397
(2) The "total special education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B)(1) of section 3317.022 of the Revised Code.	23398 23399 23400 23401
(3) The "total vocational education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in division (B)(4) of section 3317.022 of the Revised Code.	23402 23403 23404 23405
(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.	23406 23407 23408 23409
(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.	23410 23411 23412

(6) "Community school" means a community school established under Chapter 3314. of the Revised Code. 23413  
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(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.~~ 23415  
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~~(1) Compute the following for each eligible district formula:~~ 23419  
~~(cost of doing business factor X~~ 23420  
~~formula amount X~~ 23421  
~~formula ADM) -~~ 23422  
~~(.0005 X total recognized valuation)~~ 23423

If the difference obtained under this division is a negative number, the district's computation shall be zero. 23424  
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~~(2) Compute both of the following for each district:~~ 23426

~~(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;~~ 23427  
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~~(b) The following amount:~~ 23432

~~[(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~~ 23433  
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~~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.~~ 23436  
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(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:

state share percentage X formula amount X  
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:

state share percentage X .05 X  
the formula amount X 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 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 designated by the department. The department may deny 23475  
payment under division (C)(2) of this section to any district that 23476  
the department determines is not operating those services or is 23477  
using funds paid under division (C)(2) of this section, or through 23478  
a transfer of funds pursuant to division (L) of section 3317.023 23479  
of the Revised Code, for other purposes. 23480

(D)(1) The department shall compute and distribute state 23481  
special education and related services additional weighted costs 23482  
funds to each joint vocational school district in accordance with 23483  
the following formula: 23484

state share percentage X formula amount X 23485  
total special education weight 23486

(2)(a) As used in this division, the "personnel allowance" 23487  
means thirty thousand dollars in fiscal years ~~2002, 2003, 2004,~~ 23488  
~~2005, 2006, and 2007~~ 2008 and 2009. 23489

(b) For the provision of speech language pathology services 23490  
to students, including students who do not have individualized 23491  
education programs prepared for them under Chapter 3323. of the 23492  
Revised Code, and for no other purpose, the department shall pay 23493  
each joint vocational school district an amount calculated under 23494  
the following formula: 23495

(formula ADM divided by 2000) X the personnel 23496  
allowance X state share percentage 23497

(3) In any fiscal year, a joint vocational school district 23498  
shall spend for purposes that the department designates as 23499  
approved for special education and related services expenses at 23500  
least the amount calculated as follows: 23501

~~(cost of doing business factor X formula amount~~ 23502  
X the sum of categories one through 23503  
six special education ADM) + 23504  
(total special education weight X 23505

formula amount) 23506

The purposes approved by the department for special education 23507  
expenses shall include, but shall not be limited to, compliance 23508  
with state rules governing the education of handicapped children, 23509  
providing services identified in a student's individualized 23510  
education program as defined in section 3323.01 of the Revised 23511  
Code, provision of speech language pathology services, and the 23512  
portion of the district's overall administrative and overhead 23513  
costs that are attributable to the district's special education 23514  
student population. 23515

The department shall require joint vocational school 23516  
districts to report data annually to allow for monitoring 23517  
compliance with division (D)(3) of this section. The department 23518  
shall annually report to the governor and the general assembly the 23519  
amount of money spent by each joint vocational school district for 23520  
special education and related services. 23521

(4) In any fiscal year, a joint vocational school district 23522  
shall spend for the provision of speech language pathology 23523  
services not less than the sum of the amount calculated under 23524  
division (D)(1) of this section for the students in the district's 23525  
category one special education ADM and the amount calculated under 23526  
division (D)(2) of this section. 23527

(E)(1) If a joint vocational school district's costs for a 23528  
fiscal year for a student in its categories two through six 23529  
special education ADM exceed the threshold catastrophic cost for 23530  
serving the student, as specified in division (C)(3)(b) of section 23531  
3317.022 of the Revised Code, the district may submit to the 23532  
superintendent of public instruction documentation, as prescribed 23533  
by the superintendent, of all of its costs for that student. Upon 23534  
submission of documentation for a student of the type and in the 23535  
manner prescribed, the department shall pay to the district an 23536  
amount equal to the sum of the following: 23537

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost;	23538 23539
(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.	23540 23541 23542
(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.	23543 23544 23545 23546 23547 23548 23549
(F) Each fiscal year, the department shall pay each joint vocational school district an amount for adult technical and vocational education and specialized consultants.	23550 23551 23552
(G)(1) A joint vocational school district's local share of special education and related services additional weighted costs equals:	23553 23554 23555
(1 - state share percentage) X	23556
Total special education weight X	23557
the formula amount	23558
(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 responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under divisions (B), (D), (E), and (G)(1) of this section.	23559 23560 23561 23562 23563 23564 23565 23566 23567
Those excess costs shall be calculated by subtracting the sum	23568

of the following from the actual cost to provide special education	23569
and related services to the student:	23570
(a) The <del>product of the</del> formula amount <del>times the</del>	23571
<del>cost of doing business factor;</del>	23572
(b) The product of the formula amount times the applicable	23573
multiple specified in section 3317.013 of the Revised Code;	23574
(c) Any funds paid under division (E) of this section for the	23575
student;	23576
(d) Any other funds received by the joint vocational school	23577
district under this chapter to provide special education and	23578
related services to the student, not including the amount	23579
calculated under division (G)(2) of this section.	23580
(3) The board of education of the joint vocational school	23581
district may report the excess costs calculated under division	23582
(G)(2) of this section to the department of education.	23583
(4) If the board of education of the joint vocational school	23584
district reports excess costs under division (G)(3) of this	23585
section, the department shall pay the amount of excess cost	23586
calculated under division (G)(2) of this section to the joint	23587
vocational school district and shall deduct that amount as	23588
provided in division (G)(4)(a) or (b) of this section, as	23589
applicable:	23590
(a) If the student is not enrolled in a community school, the	23591
department shall deduct the amount from the account of the	23592
student's resident district pursuant to division (M) of section	23593
3317.023 of the Revised Code.	23594
(b) If the student is enrolled in a community school, the	23595
department shall deduct the amount from the account of the	23596
community school pursuant to section 3314.083 of the Revised Code.	23597
<b><u>Sec. 3317.161.</u></b> If the department of education is required to	23598

pay an amount under section 3353.25 of the Revised Code to a 23599  
school district delivering a course included in the clearinghouse 23600  
established under section 3353.21 of the Revised Code for a 23601  
student enrolled in a joint vocational school district, the 23602  
department shall deduct the amount of that payment from the amount 23603  
calculated for the joint vocational school district under section 23604  
3317.16 of the Revised Code. 23605

**Sec. 3317.20.** This section does not apply to handicapped 23606  
preschool children. 23607

(A) As used in this section: 23608

(1) "Applicable weight" means the multiple specified in 23609  
section 3317.013 of the Revised Code for a handicap described in 23610  
that section. 23611

(2) "Child's school district" means the school district in 23612  
which a child is entitled to attend school pursuant to section 23613  
3313.64 or 3313.65 of the Revised Code. 23614

(3) "State share percentage" means the state share percentage 23615  
of the child's school district as defined in section 3317.022 of 23616  
the Revised Code. 23617

(B) Except as provided in division (C) of this section, the 23618  
department shall annually pay each county MR/DD board for each 23619  
handicapped child, other than a handicapped preschool child, for 23620  
whom the county MR/DD board provides special education and related 23621  
services ~~the greater of the amount calculated under division~~ 23622  
~~(B)(1) or (2) of this section:~~ 23623

~~(1) (The formula amount for fiscal year 2005 X the~~ 23624  
~~cost of doing business factor for the child's school district for~~ 23625  
~~fiscal year 2005) + (state share percentage for fiscal year 2005 X~~ 23626  
~~formula amount for fiscal year 2005 X the applicable weight);~~ 23627

~~(2) (The current an amount equal to the formula amount times~~ 23628



~~the current cost of doing business factor for the child's school district) + (state share percentage X ~~current~~ formula amount X the applicable weight).~~ 23629  
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(C) If any school district places with a county MR/DD board more handicapped children than it had placed with a county MR/DD board in fiscal year 1998, the department shall not make a payment under division (B) of this section for the number of children exceeding the number placed in fiscal year 1998. The department instead shall deduct from the district's payments under this chapter, and pay to the county MR/DD board, an amount calculated in accordance with the formula prescribed in division (B) of this section for each child over the number of children placed in fiscal year 1998. 23632  
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(D) The department shall calculate for each county MR/DD board receiving payments under divisions (B) and (C) of this section the following amounts: 23642  
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(1) The amount received by the county MR/DD board for approved special education and related services units, other than preschool handicapped units, in fiscal year 1998, divided by the total number of children served in the units that year; 23645  
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(2) The product of the quotient calculated under division (D)(1) of this section times the number of children for whom payments are made under divisions (B) and (C) of this section. 23649  
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If the amount calculated under division (D)(2) of this section is greater than the total amount calculated under divisions (B) and (C) of this section, the department shall pay the county MR/DD board one hundred per cent of the difference in addition to the payments under divisions (B) and (C) of this section. 23652  
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**Sec. 3317.201.** This section does not apply to handicapped 23658

preschool children. 23659

(A) As used in this section, the "total special education weight" for an institution means the sum of the following amounts: 23660

(1) The number of children reported by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a handicap described in division (A) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division; 23662

(2) The number of children reported by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a handicap described in division (B) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division; 23667

(3) The number of children reported by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a handicap described in division (C) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division; 23672

(4) The number of children reported by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a handicap described in division (D) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division; 23677

(5) The number of children reported by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a handicap described in division (E) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division; 23682

(6) The number of children reported by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a handicap described in division (F) of 23687

section 3317.013 of the Revised Code multiplied by the multiple 23690  
specified in that division. 23691

(B) ~~The~~ For each fiscal year, the department of education 23692  
~~annually~~ shall pay each state institution required to provide 23693  
special education services under division (A) of section 3323.091 23694  
of the Revised Code an amount equal to the greater of: 23695

(1) The formula amount times the institution's total special 23696  
education weight; 23697

(2) The aggregate amount of special education and related 23698  
services unit funding the institution received for all handicapped 23699  
children other than handicapped preschool children in fiscal year 23700  
2005 under sections 3317.052 and 3317.053 of the Revised Code, as 23701  
those sections existed prior to ~~the effective date of this section~~ 23702  
June 30, 2005. 23703

**Sec. 3318.12.** (A) The Ohio school facilities commission shall 23704  
cause to be transferred to the school district's project 23705  
construction fund the necessary amounts from amounts appropriated 23706  
by the general assembly and set aside for such purpose, from time 23707  
to time as may be necessary to pay obligations chargeable to such 23708  
fund when due. All investment earnings of a school district's 23709  
project construction fund shall be credited to the fund. 23710

(B)(1) The treasurer of the school district board shall 23711  
disburse funds from the school district's project construction 23712  
fund, including investment earnings credited to the fund, only 23713  
upon the approval of the commission or the commission's designated 23714  
representative. The commission or the commission's designated 23715  
representative shall issue vouchers against such fund, in such 23716  
amounts, and at such times as required by the contracts for 23717  
construction of the project. 23718

(2) Notwithstanding anything to the contrary in division 23719

(B)(1) of this section, the school district board may, by a duly adopted resolution, choose to use all or part of the investment earnings of the district's project construction fund that are attributable to the district's contribution to the fund to pay the cost of classroom facilities or portions or components of classroom facilities that are not included in the district's basic project cost but that are related to the district's project. If the district board adopts a resolution in favor of using those investment earnings as authorized under division (B)(2) of this section, the treasurer shall disburse the amount as designated and directed by the board. However, if the district board chooses to use any part of the investment earnings for classroom facilities or portions or components of classroom facilities that are not included in the basic project cost, as authorized under division (B)(2) of this section, and, subsequently, the cost of the project exceeds the amount in the project construction fund, the district board shall restore to the project construction fund the full amount of the investment earnings used under division (B)(2) of this section before any additional state moneys shall be released for the project.

(C) After the project has been completed:

(1) ~~Any~~ At the discretion of the school district board, any investment earnings remaining in the project construction fund that are attributable to the school district's contribution to the fund shall be ~~transferred~~:

(a) Retained in the project construction fund for future projects;

(b) Transferred to the district's maintenance fund required by division (B) of section 3318.05 or section 3318.43 of the Revised Code, and the money so transferred shall be used solely for maintaining the classroom facilities included in the project;

<u>(c) Transferred to the district's permanent improvement fund.</u>	23751
(2) Any investment earnings remaining in the project	23752
construction fund that are attributable to the state's	23753
contribution to the fund shall be transferred to the commission	23754
for expenditure pursuant to sections 3318.01 to 3318.20 or	23755
sections 3318.40 to 3318.45 of the Revised Code.	23756
(3) Any other surplus remaining in the school district's	23757
project construction fund after the project has been completed	23758
shall be transferred to the commission and the school district	23759
board in proportion to their respective contributions to the fund.	23760
The commission shall use the money transferred to it under this	23761
division for expenditure pursuant to sections 3318.01 to 3318.20	23762
or sections 3318.40 to 3318.45 of the Revised Code.	23763
(D) Pursuant to appropriations of the general assembly, any	23764
moneys transferred to the commission under division (C)(2) or (3)	23765
of this section from a project construction fund for a project	23766
under sections 3318.40 to 3318.45 of the Revised Code may be used	23767
for future expenditures for projects under sections 3318.40 to	23768
3318.45 of the Revised Code, notwithstanding the two per cent	23769
annual limit specified in division (B) of section 3318.40 of the	23770
Revised Code.	23771
<b>Sec. 3318.15.</b> There is hereby created the public school	23772
building fund within the state treasury consisting of any moneys	23773
transferred or appropriated to the fund by the general assembly,	23774
<u>moneys paid into or transferred in accordance with section 3318.47</u>	23775
<u>of the Revised Code,</u> and any grants, gifts, or contributions	23776
received by the Ohio school facilities commission to be used for	23777
the purposes of the fund. All investment earnings of the fund	23778
shall be credited to the fund.	23779
Moneys transferred or appropriated to the fund by the general	23780
assembly and moneys in the fund from grants, gifts, and	23781

contributions shall be used for the purposes of Chapter 3318. of 23782  
the Revised Code as prescribed by the general assembly. 23783

**Sec. 3318.26.** (A) The provisions of this section apply only 23784  
to obligations issued by the issuing authority prior to December 23785  
1, 1999. 23786

(B) Subject to the limitations provided in section 3318.29 of 23787  
the Revised Code, the issuing authority, upon the certification by 23788  
the Ohio school facilities commission to the issuing authority of 23789  
the amount of moneys or additional moneys needed in the school 23790  
building program assistance fund for the purposes of sections 23791  
3318.01 to 3318.20 and sections 3318.40 to 3318.45 of the Revised 23792  
Code, or needed for capitalized interest, for funding reserves, 23793  
and for paying costs and expenses incurred in connection with the 23794  
issuance, carrying, securing, paying, redeeming, or retirement of 23795  
the obligations or any obligations refunded thereby, including 23796  
payment of costs and expenses relating to letters of credit, lines 23797  
of credit, insurance, put agreements, standby purchase agreements, 23798  
indexing, marketing, remarketing and administrative arrangements, 23799  
interest swap or hedging agreements, and any other credit 23800  
enhancement, liquidity, remarketing, renewal, or refunding 23801  
arrangements, all of which are authorized by this section, shall 23802  
issue obligations of the state under this section in the required 23803  
amount. The proceeds of such obligations, except for obligations 23804  
issued to provide moneys for the school building program 23805  
assistance fund shall be deposited by the treasurer of state in 23806  
special funds, including reserve funds, as provided in the bond 23807  
proceedings. The issuing authority may appoint trustees, paying 23808  
agents, and transfer agents and may retain the services of 23809  
financial advisors and accounting experts and retain or contract 23810  
for the services of marketing, remarketing, indexing, and 23811  
administrative agents, other consultants, and independent 23812  
contractors, including printing services, as are necessary in the 23813

issuing authority's judgment to carry out this section. The costs 23814  
of such services are payable from the school building program 23815  
assistance fund or any special fund determined by the issuing 23816  
authority. 23817

(C) The holders or owners of such obligations shall have no 23818  
right to have moneys raised by taxation obligated or pledged, and 23819  
moneys raised by taxation shall not be obligated or pledged, for 23820  
the payment of bond service charges. Such holders or owners shall 23821  
have no rights to payment of bond service charges from any money 23822  
or property received by the commission, treasurer of state, or the 23823  
state, or from any other use of the proceeds of the sale of the 23824  
obligations, and no such moneys may be used for the payment of 23825  
bond service charges, except for accrued interest, capitalized 23826  
interest, and reserves funded from proceeds received upon the sale 23827  
of the obligations and except as otherwise expressly provided in 23828  
the applicable bond proceedings pursuant to written directions by 23829  
the treasurer of state. The right of such holders and owners to 23830  
payment of bond service charges shall be limited to all or that 23831  
portion of the pledged receipts and those special funds pledged 23832  
thereto pursuant to the bond proceedings in accordance with this 23833  
section, and each such obligation shall bear on its face a 23834  
statement to that effect. 23835

(D) Obligations shall be authorized by resolution or order of 23836  
the issuing authority and the bond proceedings shall provide for 23837  
the purpose thereof and the principal amount or amounts, and shall 23838  
provide for or authorize the manner or agency for determining the 23839  
principal maturity or maturities, not exceeding the limits 23840  
specified in section 3318.29 of the Revised Code, the interest 23841  
rate or rates or the maximum interest rate, the date of the 23842  
obligations and the dates of payment of interest thereon, their 23843  
denomination, and the establishment within or without the state of 23844  
a place or places of payment of bond service charges. Sections 23845

9.98 to 9.983 of the Revised Code are applicable to obligations 23846  
issued under this section, subject to any applicable limitation 23847  
under section 3318.29 of the Revised Code. The purpose of such 23848  
obligations may be stated in the bond proceedings in terms 23849  
describing the general purpose or purposes to be served. The bond 23850  
proceedings shall also provide, subject to the provisions of any 23851  
other applicable bond proceedings, for the pledge of all, or such 23852  
part as the issuing authority may determine, of the pledged 23853  
receipts and the applicable special fund or funds to the payment 23854  
of bond service charges, which pledges may be made either prior or 23855  
subordinate to other expenses, claims, or payments, and may be 23856  
made to secure the obligations on a parity with obligations 23857  
theretofore or thereafter issued, if and to the extent provided in 23858  
the bond proceedings. The pledged receipts and special funds so 23859  
pledged and thereafter received by the state are immediately 23860  
subject to the lien of such pledge without any physical delivery 23861  
thereof or further act, and the lien of any such pledges is valid 23862  
and binding against all parties having claims of any kind against 23863  
the state or any governmental agency of the state, irrespective of 23864  
whether such parties have notice thereof, and shall create a 23865  
perfected security interest for all purposes of Chapter 1309. of 23866  
the Revised Code, without the necessity for separation or delivery 23867  
of funds or for the filing or recording of the bond proceedings by 23868  
which such pledge is created or any certificate, statement or 23869  
other document with respect thereto; and the pledge of such 23870  
pledged receipts and special funds is effective and the money 23871  
therefrom and thereof may be applied to the purposes for which 23872  
pledged without necessity for any act of appropriation, except as 23873  
required by section 3770.06 of the Revised Code. Every pledge, and 23874  
every covenant and agreement made with respect thereto, made in 23875  
the bond proceedings may therein be extended to the benefit of the 23876  
owners and holders of obligations authorized by this section, and 23877  
to any trustee therefor, for the further security of the payment 23878



of the bond service charges.	23879
(E) The bond proceedings may contain additional provisions as to:	23880
(1) The redemption of obligations prior to maturity at the option of the issuing authority at such price or prices and under such terms and conditions as are provided in the bond proceedings;	23881
(2) Other terms of the obligations;	23882
(3) Limitations on the issuance of additional obligations;	23883
(4) The terms of any trust agreement or indenture securing the obligations or under which the same may be issued;	23884
(5) The deposit, investment and application of special funds, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131., 133., or 135. of the Revised Code, but subject to any special provisions of sections 3318.21 to 3318.29 of the Revised Code, with respect to particular funds or moneys, provided that any bank or trust company that acts as depository of any moneys in the special funds may furnish such indemnifying bonds or may pledge such securities as required by the issuing authority;	23885
(6) Any or every provision of the bond proceedings being binding upon such 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;	23886
(7) Any provision that may be made in a trust agreement or indenture;	23887
(8) The lease or sublease of any interest of the school district or the state in one or more projects as defined in division (C) of section 3318.01 of the Revised Code, or in one or more permanent improvements, to or from the issuing authority, as	23888
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provided in one or more lease or sublease agreements between the 23909  
school or the state and the issuing authority; 23910

(9) Any other or additional agreements with the holders of 23911  
the obligations, or the trustee therefor, relating to the 23912  
obligations or the security therefor. 23913

(F) The obligations may have the great seal of the state or a 23914  
facsimile thereof affixed thereto or printed thereon. The 23915  
obligations and any coupons pertaining to obligations shall be 23916  
signed or bear the facsimile signature of the issuing authority. 23917  
Any obligations or coupons may be executed by the person who, on 23918  
the date of execution, is the proper issuing authority although on 23919  
the date of such bonds or coupons such person was not the issuing 23920  
authority. In case the issuing authority whose signature or a 23921  
facsimile of whose signature appears on any such obligation or 23922  
coupon ceases to be the issuing authority before delivery thereof, 23923  
such signature or facsimile is nevertheless valid and sufficient 23924  
for all purposes as if the issuing authority had remained the 23925  
issuing authority until such delivery; and in case the seal to be 23926  
affixed to obligations has been changed after a facsimile of the 23927  
seal has been imprinted on such obligations, such facsimile seal 23928  
shall continue to be sufficient as to such obligations and 23929  
obligations issued in substitution or exchange therefor. 23930

(G) All obligations are negotiable instruments and securities 23931  
under Chapter 1308. of the Revised Code, subject to the provisions 23932  
of the bond proceedings as to registration. The obligations may be 23933  
issued in coupon or in registered form, or both, as the issuing 23934  
authority determines. Provision may be made for the registration 23935  
of any obligations with coupons attached thereto as to principal 23936  
alone or as to both principal and interest, their exchange for 23937  
obligations so registered, and for the conversion or reconversion 23938  
into obligations with coupons attached thereto of any obligations 23939  
registered as to both principal and interest, and for reasonable 23940

charges for such registration, exchange, conversion, and 23941  
reconversion. 23942

(H) Obligations may be sold at public sale or at private 23943  
sale, as determined in the bond proceedings. 23944

(I) Pending preparation of definitive obligations, the 23945  
issuing authority may issue interim receipts or certificates which 23946  
shall be exchanged for such definitive obligations. 23947

(J) In the discretion of the issuing authority, obligations 23948  
may be secured additionally by a trust agreement or indenture 23949  
between the issuing authority and a corporate trustee which may be 23950  
any trust company or bank having ~~its principal~~ a place of business 23951  
within the state. Any such agreement or indenture may contain the 23952  
resolution or order authorizing the issuance of the obligations, 23953  
any provisions that may be contained in any bond proceedings, and 23954  
other provisions that are customary or appropriate in an agreement 23955  
or indenture of such type, including, but not limited to: 23956

(1) Maintenance of each pledge, trust agreement, indenture, 23957  
or other instrument comprising part of the bond proceedings until 23958  
the state has fully paid the bond service charges on the 23959  
obligations secured thereby, or provision therefor has been made; 23960

(2) In the event of default in any payments required to be 23961  
made by the bond proceedings, or any other agreement of the 23962  
issuing authority made as a part of the contract under which the 23963  
obligations were issued, enforcement of such payments or agreement 23964  
by mandamus, the appointment of a receiver, suit in equity, action 23965  
at law, or any combination of the foregoing; 23966

(3) The rights and remedies of the holders of obligations and 23967  
of the trustee, and provisions for protecting and enforcing them, 23968  
including limitations on rights of individual holders of 23969  
obligations; 23970

(4) The replacement of any obligations that become mutilated 23971

or are destroyed, lost, or stolen; 23972

(5) Such other provisions as the trustee and the issuing 23973  
authority agree upon, including limitations, conditions, or 23974  
qualifications relating to any of the foregoing. 23975

(K) Any holder of obligations or a trustee under the bond 23976  
proceedings, except to the extent that the holder's or trustee's 23977  
rights are restricted by the bond proceedings, may by any suitable 23978  
form of legal proceedings, protect and enforce any rights under 23979  
the laws of this state or granted by such bond proceedings. Such 23980  
rights include the right to compel the performance of all duties 23981  
of the issuing authority, the commission, or the director of 23982  
budget and management required by sections 3318.21 to 3318.29 of 23983  
the Revised Code or the bond proceedings; to enjoin unlawful 23984  
activities; and in the event of default with respect to the 23985  
payment of any bond service charges on any obligations or in the 23986  
performance of any covenant or agreement on the part of the 23987  
issuing authority, the commission, or the director of budget and 23988  
management in the bond proceedings, to apply to a court having 23989  
jurisdiction of the cause to appoint a receiver to receive and 23990  
administer the pledged receipts and special funds, other than 23991  
those in the custody of the treasurer of state or the commission, 23992  
which are pledged to the payment of the bond service charges on 23993  
such obligations or which are the subject of the covenant or 23994  
agreement, with full power to pay, and to provide for payment of 23995  
bond service charges on, such obligations, and with such powers, 23996  
subject to the direction of the court, as are accorded receivers 23997  
in general equity cases, excluding any power to pledge additional 23998  
revenues or receipts or other income or moneys of the issuing 23999  
authority or the state or governmental agencies of the state to 24000  
the payment of such principal and interest and excluding the power 24001  
to take possession of, mortgage, or cause the sale or otherwise 24002  
dispose of any permanent improvement. 24003

Each duty of the issuing authority and the issuing authority's officers and employees, and of each governmental agency and its officers, members, or employees, undertaken pursuant to the bond proceedings or any agreement or loan made under authority of sections 3318.21 to 3318.29 of the Revised Code, and in every agreement by or with the issuing authority, is hereby established as a duty of the issuing authority, and of each such officer, member, or employee having authority to perform such duty, specifically enjoined by the law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code.

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

(L) Obligations issued under this section are lawful investments for banks, societies for savings, savings and loan associations, deposit guarantee associations, 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 political subdivisions and taxing districts of this state, the commissioners of the sinking fund of the state, the administrator of workers' compensation, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules adopted pursuant thereto by any governmental agency of the state with respect to investments by them, and also are acceptable as security for the deposit of public moneys.

(M) Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the special funds

established by or pursuant to this section may be invested by or 24036  
on behalf of the issuing authority only in notes, bonds, or other 24037  
obligations of the United States, or of any agency or 24038  
instrumentality of the United States, obligations guaranteed as to 24039  
principal and interest by the United States, obligations of this 24040  
state or any political subdivision of this state, and certificates 24041  
of deposit of any national bank located in this state and any 24042  
bank, as defined in section 1101.01 of the Revised Code, subject 24043  
to inspection by the superintendent of financial institutions. If 24044  
the law or the instrument creating a trust pursuant to division 24045  
(J) of this section expressly permits investment in direct 24046  
obligations of the United States or an agency of the United 24047  
States, unless expressly prohibited by the instrument, such moneys 24048  
also may be invested in no front end load money market mutual 24049  
funds consisting exclusively of obligations of the United States 24050  
or an agency of the United States and in repurchase agreements, 24051  
including those issued by the fiduciary itself, secured by 24052  
obligations of the United States or an agency of the United 24053  
States; and in collective investment funds established in 24054  
accordance with section 1111.14 of the Revised Code and consisting 24055  
exclusively of any such securities, notwithstanding division 24056  
(B)(1)(c) of that section. The income from such investments shall 24057  
be credited to such funds as the issuing authority determines, and 24058  
such investments may be sold at such times as the issuing 24059  
authority determines or authorizes. 24060

(N) Provision may be made in the applicable bond proceedings 24061  
for the establishment of separate accounts in the bond service 24062  
fund and for the application of such accounts only to the 24063  
specified bond service charges on obligations pertinent to such 24064  
accounts and bond service fund and for other accounts therein 24065  
within the general purposes of such fund. Unless otherwise 24066  
provided in any applicable bond proceedings, moneys to the credit 24067  
of or in the several special funds established pursuant to this 24068

section shall be disbursed on the order of the treasurer of state, 24069  
provided that no such order is required for the payment from the 24070  
bond service fund when due of bond service charges on obligations. 24071

(O) The issuing authority may pledge all, or such portion as 24072  
the issuing authority determines, of the pledged receipts to the 24073  
payment of bond service charges on obligations issued under this 24074  
section, and for the establishment and maintenance of any 24075  
reserves, as provided in the bond proceedings, and make other 24076  
provisions therein with respect to pledged receipts as authorized 24077  
by this chapter, which provisions shall be controlling 24078  
notwithstanding any other provisions of law pertaining thereto. 24079

(P) The issuing authority may covenant in the bond 24080  
proceedings, and any such covenants shall be controlling 24081  
notwithstanding any other provision of law, that the state and 24082  
applicable officers and governmental agencies of the state, 24083  
including the general assembly, so long as any obligations are 24084  
outstanding, shall: 24085

(1) Maintain statutory authority for and cause to be operated 24086  
the state lottery, including the transfers to and from the lottery 24087  
profits education fund created in section 3770.06 of the Revised 24088  
Code so that the pledged receipts shall be sufficient in amount to 24089  
meet bond service charges, and the establishment and maintenance 24090  
of any reserves and other requirements provided for in the bond 24091  
proceedings; 24092

(2) Take or permit no action, by statute or otherwise, that 24093  
would impair the exclusion from gross income for federal income 24094  
tax purposes of the interest on any obligations designated by the 24095  
bond proceeding as tax-exempt obligations. 24096

(Q) There is hereby created the school building program bond 24097  
service fund, which shall be in the custody of the treasurer of 24098  
state but shall be separate and apart from and not a part of the 24099

state treasury. All moneys received by or on account of the 24100  
issuing authority or state agencies and required by the applicable 24101  
bond proceedings, consistent with this section, to be deposited, 24102  
transferred, or credited to the school building program bond 24103  
service fund, and all other moneys transferred or allocated to or 24104  
received for the purposes of the fund, shall be deposited and 24105  
credited to such fund and to any separate accounts therein, 24106  
subject to applicable provisions of the bond proceedings, but 24107  
without necessity for any act of appropriation, except as required 24108  
by section 3770.06 of the Revised Code. During the period 24109  
beginning with the date of the first issuance of obligations and 24110  
continuing during such time as any such obligations are 24111  
outstanding, and so long as moneys in the school building program 24112  
bond service fund are insufficient to pay all bond service charges 24113  
on such obligations becoming due in each year, a sufficient amount 24114  
of the moneys from the lottery profits education fund included in 24115  
pledged receipts, subject to appropriation for such purpose as 24116  
provided in section 3770.06 of the Revised Code, are committed and 24117  
shall be paid to the school building program bond service fund in 24118  
each year for the purpose of paying the bond service charges 24119  
becoming due in that year. The school building program bond 24120  
service fund is a trust fund and is hereby pledged to the payment 24121  
of bond service charges solely on obligations issued to provide 24122  
moneys for the school building program assistance fund to the 24123  
extent provided in the applicable bond proceedings, and payment 24124  
thereof from such fund shall be made or provided for by the 24125  
treasurer of state in accordance with such bond proceedings 24126  
without necessity for any act of appropriation except as required 24127  
by section 3770.06 of the Revised Code. 24128

(R) The obligations, the transfer thereof, and the income 24129  
therefrom, including any profit made on the sale thereof, at all 24130  
times shall be free from taxation within the state. 24131



Sec. 3318.47. (A) On the effective date of this section, the 24132  
director of budget and management shall transfer any amount on 24133  
hand in the fund established under former section 3318.47 of the 24134  
Revised Code, as that section existed prior to the effective date 24135  
of this section, into the fund established under section 3318.15 24136  
of the Revised Code. 24137

(B) On or after the effective date of this section, any 24138  
amounts received from school districts in repayment of loans made 24139  
under former sections 3318.47 to 3318.49, as those sections 24140  
existed prior to the effective date of this section, shall be 24141  
deposited into the fund established under section 3318.15 of the 24142  
Revised Code. 24143

**Sec. 3319.55.** (A) A grant program is hereby established to 24144  
recognize and reward teachers in public and chartered nonpublic 24145  
schools who hold valid teaching certificates or licenses issued by 24146  
the national board for professional teaching standards. The 24147  
superintendent of public instruction shall administer this program 24148  
in accordance with this section and rules which the state board of 24149  
education shall adopt in accordance with Chapter 119. of the 24150  
Revised Code. 24151

In each fiscal year that the general assembly appropriates 24152  
funds for purposes of this section, the superintendent of public 24153  
instruction shall award a grant to each person who, by the first 24154  
day of April of that year and in accordance with the rules adopted 24155  
under this section, submits to the superintendent evidence 24156  
indicating ~~all~~ both of the following: 24157

(1) The person holds a valid certificate or license issued by 24158  
the national board for professional teaching standards; 24159

(2) The person has been employed full-time as a teacher by 24160  
the board of education of a school district or by a chartered 24161

nonpublic school in this state during the current school year+ 24162

~~(3) The date the person was accepted into the national board 24163  
certification or licensure program. 24164~~

An individual may receive a grant under this section in each 24165  
fiscal year the person is eligible for a grant and submits 24166  
evidence of that eligibility in accordance with this section. No 24167  
person may receive a grant after the expiration of the person's 24168  
initial certification or license issued by the national board. 24169

(B) The amount of the grant awarded to each eligible person 24170  
under division (A) of this section in any fiscal year shall equal 24171  
~~the following+ 24172~~

~~(1) Two two thousand five hundred dollars for any teacher 24173  
accepted as a candidate for certification or licensure by the 24174  
national board on or before May 31, 2003, and issued a certificate 24175  
or license by the national board on or before December 31, 2004+ 24176~~

~~(2) One thousand dollars for any other teacher issued a 24177  
certificate or license by the national board. 24178~~

~~However.~~ However, if the funds appropriated for purposes of 24179  
this section in any fiscal year are not sufficient to award the 24180  
full grant amount to each person who is eligible in that fiscal 24181  
year, the superintendent shall prorate the amount of the grant 24182  
awarded in that fiscal year to each eligible person. 24183

**Sec. 3321.01.** (A)(1) As used in this chapter, "parent," 24184  
"guardian," or "other person having charge or care of a child" 24185  
means either parent unless the parents are separated or divorced 24186  
or their marriage has been dissolved or annulled, in which case 24187  
"parent" means the parent who is the residential parent and legal 24188  
custodian of the child. If the child is in the legal or permanent 24189  
custody of a person or government agency, "parent" means that 24190  
person or government agency. When a child is a resident of a home, 24191

as defined in section 3313.64 of the Revised Code, and the child's parent is not a resident of this state, "parent," "guardian," or "other person having charge or care of a child" means the head of the home.

A child between six and eighteen years of age is "of compulsory school age" for the purpose of sections 3321.01 to 3321.13 of the Revised Code. A child under six years of age who has been enrolled in kindergarten also shall be considered "of compulsory school age" for the purpose of sections 3321.01 to 3321.13 of the Revised Code unless at any time the child's parent or guardian, at the parent's or guardian's discretion and in consultation with the child's teacher and principal, formally withdraws the child from kindergarten. The compulsory school age of a child shall not commence until the beginning of the term of such schools, or other time in the school year fixed by the rules of the board of the district in which the child resides.

(2) No child shall be admitted to a kindergarten or a first grade of a public school in a district in which all children are admitted to kindergarten and the first grade in August or September unless the child is five or six years of age, respectively, by the thirtieth day of September of the year of admittance, or by the first day of a term or semester other than one beginning in August or September in school districts granting admittance at the beginning of such term or semester, except that in those school districts using or obtaining educationally accepted standardized testing programs for determining entrance, as approved by the board of education of such districts, the board shall admit a child to kindergarten or the first grade who fails to meet the age requirement, provided the child meets necessary standards as determined by such standardized testing programs. If the board of education has not established a standardized testing program, the board shall designate the necessary standards and a

testing program it will accept for the purpose of admitting a 24224  
child to kindergarten or first grade who fails to meet the age 24225  
requirement. Each child who will be the proper age for entrance to 24226  
kindergarten or first grade by the first day of January of the 24227  
school year for which admission is requested shall be so tested 24228  
upon the request of the child's parent. 24229

~~(3) Notwithstanding divisions (A)(2) and (D) of this section, 24230  
beginning with the school year that starts in 2001 and continuing 24231  
thereafter the board of education of any district may adopt a 24232  
resolution establishing the first day of August in lieu of the 24233  
thirtieth day of September as the required date by which students 24234  
must have attained the age specified in those divisions. 24235~~

(B) As used in divisions (C) and (D) of this section, 24236  
"successfully completed kindergarten" and "successful completion 24237  
of kindergarten" mean that the child has completed the 24238  
kindergarten requirements at one of the following: 24239

(1) A public or chartered nonpublic school; 24240

(2) A kindergarten class that is both of the following: 24241

(a) Offered by a day-care provider licensed under Chapter 24242  
5104. of the Revised Code; 24243

(b) If offered after July 1, 1991, is directly taught by a 24244  
teacher who holds one of the following: 24245

(i) A valid educator license issued under section 3319.22 of 24246  
the Revised Code; 24247

(ii) A Montessori preprimary credential or age-appropriate 24248  
diploma granted by the American Montessori society or the 24249  
association Montessori internationale; 24250

(iii) Certification determined under division (G) of this 24251  
section to be equivalent to that described in division 24252  
(B)(2)(b)(ii) of this section; 24253

(iv) Certification for teachers in nontax-supported schools 24254  
pursuant to section 3301.071 of the Revised Code. 24255

(C) Except as provided in division (D) of this section, no 24256  
school district shall admit to the first grade any child who has 24257  
not successfully completed kindergarten. 24258

(D) Upon request of a parent, the requirement of division (C) 24259  
of this section may be waived by the district's pupil personnel 24260  
services committee in the case of a child who is at least six 24261  
years of age by the thirtieth day of September of the year of 24262  
admittance and who demonstrates to the satisfaction of the 24263  
committee the possession of the social, emotional, and cognitive 24264  
skills necessary for first grade. 24265

The board of education of each city, local, and exempted 24266  
village school district shall establish a pupil personnel services 24267  
committee. The committee shall be composed of all of the following 24268  
to the extent such personnel are either employed by the district 24269  
or employed by the governing board of the educational service 24270  
center within whose territory the district is located and the 24271  
educational service center generally furnishes the services of 24272  
such personnel to the district: 24273

(1) The director of pupil personnel services; 24274

(2) An elementary school counselor; 24275

(3) An elementary school principal; 24276

(4) A school psychologist; 24277

(5) A teacher assigned to teach first grade; 24278

(6) A gifted coordinator. 24279

The responsibilities of the pupil personnel services 24280  
committee shall be limited to the issuing of waivers allowing 24281  
admittance to the first grade without the successful completion of 24282  
kindergarten. The committee shall have no other authority except 24283

as specified in this section.	24284
(E) The scheduling of times for kindergarten classes and length of the school day for kindergarten shall be determined by the board of education of a city, exempted village, or local school district.	24285 24286 24287 24288
(F) Any kindergarten class offered by a day-care provider or school described by division (B)(1) or (B)(2)(a) of this section shall be developmentally appropriate.	24289 24290 24291
(G) Upon written request of a day-care provider described by division (B)(2)(a) of this section, the department of education shall determine whether certification held by a teacher employed by the provider meets the requirement of division (B)(2)(b)(iii) of this section and, if so, shall furnish the provider a statement to that effect.	24292 24293 24294 24295 24296 24297
<b>Sec. 3323.01.</b> As used in this chapter and Chapter 3321. of the Revised Code:	24298 24299
(A) "Handicapped child" means a person under twenty-two years of age who is developmentally handicapped, hearing handicapped, speech handicapped, visually disabled, severe behavior handicapped, orthopedically handicapped, multihandicapped, other health handicapped, specific learning disabled, autistic, or traumatic brain injured, and by reason thereof requires special education.	24300 24301 24302 24303 24304 24305 24306
(B) "Special education program" means the required related services and instruction specifically designed to meet the unique needs of a handicapped child, including classroom instruction, home instruction, and instruction in hospitals and institutions and in other settings.	24307 24308 24309 24310 24311
(C) "Related services" means transportation, and such developmental, corrective, and other supportive services as may be	24312 24313

required to assist a handicapped child to benefit from special 24314  
education, including the early identification and assessment of 24315  
handicapped conditions in children, speech pathology and 24316  
audiology, psychological services, occupational and physical 24317  
therapy, physical education, recreation, counseling services 24318  
including rehabilitative counseling, and medical services, except 24319  
that such medical services shall be for diagnostic and evaluation 24320  
purposes only. 24321

(D) "Appropriate public education" means special education 24322  
and related services that: 24323

(1) Are provided at public expense and under public 24324  
supervision; 24325

(2) Meet the standards of the state board of education; 24326

(3) Include an appropriate preschool, elementary, or 24327  
secondary education; 24328

(4) Are provided in conformity with the individualized 24329  
education program required under this chapter. 24330

(E) "Individualized education program" means a written 24331  
statement for each handicapped child designed to meet the unique 24332  
needs of a handicapped child, which statement shall include: 24333

(1) A statement of the present levels of educational 24334  
performance of such child; 24335

(2) A statement of annual goals, including short-term 24336  
instructional objectives; 24337

(3) A statement of the specific educational services to be 24338  
provided to such child, and the extent to which such child will be 24339  
able to participate in regular educational programs; 24340

(4) A statement of the transition services needed for such 24341  
child beginning no later than age sixteen and annually thereafter 24342  
(and, when determined appropriate for such child, beginning at age 24343

fourteen or younger), including, when appropriate, a statement of 24344  
the interagency responsibilities and linkages before the student 24345  
leaves the school setting; 24346

(5) The projected date for initiation and anticipated 24347  
duration of such services; 24348

(6) Appropriate objective criteria and evaluation procedures 24349  
and schedules for determining, on at least an annual basis, 24350  
whether instructional objectives are being achieved, and whether 24351  
current placement is appropriate. 24352

(F) "Other educational agency" means a department, division, 24353  
bureau, office, institution, board, commission, committee, 24354  
authority, or other state or local agency, other than a school 24355  
district or an agency administered by the department of mental 24356  
retardation and developmental disabilities, that provides or seeks 24357  
to provide special education or related services to handicapped 24358  
children. 24359

(G) "School district" means a city, local, or exempted 24360  
village school district. 24361

(H) "Parents" means either parent. If the parents are 24362  
separated or divorced, "parent" means the parent who is the 24363  
residential parent and legal custodian of the handicapped child. 24364  
Except as used in division (I) of this section and in sections 24365  
3323.09 and 3323.141 of the Revised Code, "parents" includes a 24366  
child's guardian or custodian. This definition does not apply to 24367  
Chapter 3321. of the Revised Code. 24368

(I) As used in sections 3323.09, 3323.091, 3323.13, and 24369  
3323.14 of the Revised Code, "school district of residence" means: 24370

(1) The school district in which the child's parents reside; 24371

(2) If the school district specified in division (I)(1) of 24372  
this section cannot be determined, the last school district in 24373



which the child's parents are known to have resided if the 24374  
parents' whereabouts are unknown; 24375

(3) If the school district specified in division (I)(2) of 24376  
this section cannot be determined, the school district determined 24377  
~~by the court~~ under section 2151.362 of the Revised Code, or if no 24378  
district has been so determined, the school district as determined 24379  
by the probate court of the county in which the child resides. The 24380  
school district of residence that had been established under this 24381  
section on December 12, 1983, shall remain the child's school 24382  
district of residence unless a district of residence can be 24383  
determined under division (I)(1) or (2) of this section. 24384

(4) Notwithstanding divisions (I)(1) to (3) of this section, 24385  
if a school district is required by section 3313.65 of the Revised 24386  
Code to pay tuition for a child, that district shall be the 24387  
child's school district of residence. 24388

(J) "County MR/DD board" means a county board of mental 24389  
retardation and developmental disabilities. 24390

(K) "Handicapped preschool child" means a handicapped child 24391  
who is at least three years of age but is not of compulsory school 24392  
age, as defined under section 3321.01 of the Revised Code, and who 24393  
is not currently enrolled in kindergarten. 24394

(L) "Transition services" means a coordinated set of 24395  
activities for a student, designed within an outcome-oriented 24396  
process, that: 24397

(1) Promotes movement from school to post-school activities, 24398  
including post-secondary education; vocational training; 24399  
integrated employment, including supported employment; continuing 24400  
and adult education; adult services; independent living; and 24401  
community participation; 24402

(2) Is based upon the individual student's needs, including 24403  
taking into account the student's preferences and interests; 24404

(3) Includes instruction, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

(M) "Visual disability" for any individual means that one of the following applies to the individual:

(1) The individual has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision in the better eye such that the widest diameter subtends an angular distance of no greater than twenty degrees.

(2) The individual has a medically indicated expectation of meeting the requirements of division (M)(1) of this section over a period of time.

(3) The individual has a medically diagnosed and medically uncorrectable limitation in visual functioning that adversely affects the individual's ability to read and write standard print at levels expected of the individual's peers of comparable ability and grade level.

(N) "Student with a visual disability" means any person under twenty-two years of age who has a visual disability.

(O) "Instruction in braille reading and writing" means the teaching of the system of reading and writing through touch commonly known as standard English braille.

Sec. 3323.052. Not later than sixty days after the effective date of this section, the department of education shall develop a document that compares a parent's and child's rights under this chapter and 20 U.S.C. 1400 et seq. with the parent's and child's rights under the special education scholarship pilot program, established in sections 3310.51 to 3310.63 of the Revised Code, including the provisions of divisions (A) and (B) of section

3310.53 of the Revised Code. The department shall revise that 24435  
document as necessary to reflect any pertinent changes in state or 24436  
federal statutory law, rule, or regulation enacted or adopted 24437  
after the initial document is developed. The department and each 24438  
school district shall ensure that the document prescribed in this 24439  
section is included in, appended to, or otherwise distributed in 24440  
conjunction with the notice required under 20 U.S.C. 1415(d), and 24441  
any provision of the Code of Federal Regulations implementing that 24442  
requirement, in the manner and at all the times specified for such 24443  
notice in federal law or regulation. 24444

**Sec. 3323.11.** Teachers in education programs under this 24445  
chapter shall possess the usual qualifications required of ~~special~~ 24446  
~~education teachers~~ intervention specialists in the public schools. 24447

**Sec. 3327.05.** (A) Except as provided in division (B) of this 24448  
section, no board of education of any school district shall 24449  
provide transportation for any pupil who is a school resident of 24450  
another school district unless the pupil is enrolled pursuant to 24451  
section 3313.98 of the Revised Code or the board of the other 24452  
district has given its written consent thereto. If the board of 24453  
any school district files with the state board of education a 24454  
written complaint that transportation for resident pupils is being 24455  
provided by the board of another school district contrary to this 24456  
division, the state board of education shall make an investigation 24457  
of such complaint. If the state board of education finds that 24458  
transportation is being provided contrary to this section, it may 24459  
withdraw from state funds due the offending district any part of 24460  
the amount that has been approved for transportation pursuant to 24461  
division (D) of section 3317.022 of the Revised Code. 24462

(B) Notwithstanding division (D) of section 3311.19 and 24463  
division (D) of section 3311.52 of the Revised Code, this division 24464  
does not apply to any joint vocational or cooperative education 24465

school district. 24466

A board of education may provide transportation to and from 24467  
the nonpublic ~~high~~ school of attendance if both of the following 24468  
apply: 24469

(1) The parent, guardian, or other person in charge of the 24470  
pupil agrees to pay the board for all costs incurred in providing 24471  
the transportation that are not reimbursed pursuant to Chapter 24472  
3317. of the Revised Code; 24473

(2) The pupil's school district of residence does not provide 24474  
transportation for public school pupils of the same grade as the 24475  
pupil being transported under this division, or that district is 24476  
not required under section 3327.01 of the Revised Code to 24477  
transport the pupil to and from the nonpublic school because the 24478  
direct travel time to the nonpublic school is more than thirty 24479  
minutes. 24480

Upon receipt of the request to provide transportation, the 24481  
board shall review the request and determine whether the board 24482  
will accommodate the request. If the board agrees to transport the 24483  
pupil, the board may transport the pupil to and from the nonpublic 24484  
school and a collection point in the district, as determined by 24485  
the board. If the board transports the pupil, the board may 24486  
include the pupil in the district's transportation ADM reported to 24487  
the department of education under section 3317.03 of the Revised 24488  
Code and, accordingly, may receive a state payment under division 24489  
(D) of section 3317.022 of the Revised Code for transporting the 24490  
pupil. 24491

If the board declines to transport the pupil, the board, in a 24492  
written communication to the parent, guardian, or other person in 24493  
charge of the pupil, shall state the reasons for declining the 24494  
request. 24495

Sec. 3327.17. The department of development shall establish a biodiesel school bus program under which the director of development shall make grants to school districts that use biodiesel fuel for pupil transportation to help offset incremental costs incurred by using biodiesel instead of one hundred per cent petroleum diesel.

As used in this section, "biodiesel" has the same meaning as in section 122.075 of the Revised Code.

**Sec. 3333.04.** The Ohio board of regents shall:

(A) Make studies of state policy in the field of higher education and formulate a master plan for higher education for the state, considering the needs of the people, the needs of the state, and the role of individual public and private institutions within the state in fulfilling these needs;

(B)(1) Report annually to the governor and the general assembly on the findings from its studies and the master plan for higher education for the state;

(2) Report at least semiannually to the general assembly and the governor the enrollment numbers at each state-assisted institution of higher education.

(C) Approve or disapprove the establishment of new branches or academic centers of state colleges and universities;

(D) Approve or disapprove the establishment of state technical colleges or any other state institution of higher education;

(E) Recommend the nature of the programs, undergraduate, graduate, professional, state-financed research, and public services which should be offered by the state colleges, universities, and other state-assisted institutions of higher

education in order to utilize to the best advantage their 24525  
facilities and personnel; 24526

(F) Recommend to the state colleges, universities, and other 24527  
state-assisted institutions of higher education graduate or 24528  
professional programs, including, but not limited to, doctor of 24529  
philosophy, doctor of education, and juris doctor programs, that 24530  
could be eliminated because they constitute unnecessary 24531  
duplication, as shall be determined using the process developed 24532  
pursuant to this section, or for other good and sufficient cause. 24533  
For purposes of determining the amounts of any state instructional 24534  
subsidies paid to these colleges, universities, and institutions, 24535  
the board may exclude students enrolled in any program that the 24536  
board has recommended for elimination pursuant to this division 24537  
except that the board shall not exclude any such student who 24538  
enrolled in the program prior to the date on which the board 24539  
initially commences to exclude students under this division. The 24540  
board of regents and these colleges, universities, and 24541  
institutions shall jointly develop a process for determining which 24542  
existing graduate or professional programs constitute unnecessary 24543  
duplication. 24544

(G) Recommend to the state colleges, universities, and other 24545  
state-assisted institutions of higher education programs which 24546  
should be added to their present programs; 24547

(H) Conduct studies for the state colleges, universities, and 24548  
other state-assisted institutions of higher education to assist 24549  
them in making the best and most efficient use of their existing 24550  
facilities and personnel; 24551

(I) Make recommendations to the governor and general assembly 24552  
concerning the development of state-financed capital plans for 24553  
higher education; the establishment of new state colleges, 24554  
universities, and other state-assisted institutions of higher 24555  
education; and the establishment of new programs at the existing 24556

state colleges, universities, and other institutions of higher education; 24557  
24558

(J) Review the appropriation requests of the public community colleges and the state colleges and universities and submit to the office of budget and management and to the chairpersons of the finance committees of the house of representatives and of the senate its recommendations in regard to the biennial higher education appropriation for the state, including appropriations for the individual state colleges and universities and public community colleges. For the purpose of determining the amounts of instructional subsidies to be paid to state-assisted colleges and universities, the board shall define "full-time equivalent student" by program per academic year. The definition may take into account the establishment of minimum enrollment levels in technical education programs below which support allowances will not be paid. Except as otherwise provided in this section, the board shall make no change in the definition of "full-time equivalent student" in effect on November 15, 1981, which would increase or decrease the number of subsidy-eligible full-time equivalent students, without first submitting a fiscal impact statement to the president of the senate, the speaker of the house of representatives, the legislative service commission, and the director of budget and management. The board shall work in close cooperation with the director of budget and management in this respect and in all other matters concerning the expenditures of appropriated funds by state colleges, universities, and other institutions of higher education. 24559  
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(K) Seek the cooperation and advice of the officers and trustees of both public and private colleges, universities, and other institutions of higher education in the state in performing its duties and making its plans, studies, and recommendations; 24584  
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(L) Appoint advisory committees consisting of persons 24588

associated with public or private secondary schools, members of 24589  
the state board of education, or personnel of the state department 24590  
of education; 24591

(M) Appoint advisory committees consisting of college and 24592  
university personnel, or other persons knowledgeable in the field 24593  
of higher education, or both, in order to obtain their advice and 24594  
assistance in defining and suggesting solutions for the problems 24595  
and needs of higher education in this state; 24596

(N) Approve or disapprove all new degrees and new degree 24597  
programs at all state colleges, universities, and other 24598  
state-assisted institutions of higher education; 24599

(O) Adopt such rules as are necessary to carry out its duties 24600  
and responsibilities; 24601

(P) Establish and submit to the governor and the general 24602  
assembly a clear and measurable set of goals and timetables for 24603  
their achievement for each program under the supervision of the 24604  
board that is designed to accomplish any of the following: 24605

(1) Increased access to higher education; 24606

(2) Job training; 24607

(3) Adult literacy; 24608

(4) Research; 24609

(5) Excellence in higher education; 24610

(6) Reduction in the number of graduate programs within the 24611  
same subject area. 24612

In July of each odd-numbered year, the board of regents shall 24613  
submit to the governor and the general assembly a report on 24614  
progress made toward these goals. 24615

(Q) Make recommendations to the governor and the general 24616  
assembly regarding the design and funding of the student financial 24617



aid programs specified in sections 3333.12, 3333.122, 3333.21 to 24618  
3333.27, and 5910.02 of the Revised Code; 24619

(R) Participate in education-related state or federal 24620  
programs on behalf of the state and assume responsibility for the 24621  
administration of such programs in accordance with applicable 24622  
state or federal law; 24623

(S) Adopt rules for student financial aid programs as 24624  
required by sections 3333.12, 3333.122, 3333.21 to 3333.27, 24625  
3333.28, ~~3333.29~~, and 5910.02 of the Revised Code, and perform any 24626  
other administrative functions assigned to the board by those 24627  
sections; 24628

(T) Administer contracts under sections 3702.74 and 3702.75 24629  
of the Revised Code in accordance with rules adopted by the 24630  
director of health under section 3702.79 of the Revised Code; 24631

(U) Conduct enrollment audits of state-supported institutions 24632  
of higher education; 24633

(V) Appoint consortiums of college and university personnel 24634  
to participate in the development and operation of statewide 24635  
collaborative efforts, including the Ohio supercomputer center, 24636  
the Ohio academic resources network, OhioLink, and the Ohio 24637  
learning network. For each consortium, the board shall designate a 24638  
college or university to serve as that consortium's fiscal agent, 24639  
financial officer, and employer. Any funds appropriated to the 24640  
board for consortiums shall be distributed to the fiscal agents 24641  
for the operation of the consortiums. A consortium shall follow 24642  
the rules of the college or university that serves as its fiscal 24643  
agent. 24644

**Sec. 3333.122.** (A) As used in this section: 24645

(1) "Eligible student" means a student who is: 24646

(a) An Ohio resident who first enrolls in an undergraduate 24647

program in the 2006-2007 academic year or thereafter; 24648

(b) Enrolled If the student first enrolled in an 24649  
undergraduate program in the 2006-2007 or 2007-2008 academic year, 24650  
the student is enrolled in either of the following: 24651

(i) An accredited institution of higher education in this 24652  
state that meets the requirements of Title VI of the Civil Rights 24653  
Act of 1964 and is state-assisted, is nonprofit and has a 24654  
certificate of authorization from the Ohio board of regents 24655  
pursuant to Chapter 1713. of the Revised Code, has a certificate 24656  
of registration from the state board of career colleges and 24657  
schools and program authorization to award an associate or 24658  
bachelor's degree, or is a private institution exempt from 24659  
regulation under Chapter 3332. of the Revised Code as prescribed 24660  
in section 3333.046 of the Revised Code. Students who attend an 24661  
institution that holds a certificate of registration shall be 24662  
enrolled in a program leading to an associate or bachelor's degree 24663  
for which associate or bachelor's degree program the institution 24664  
has program authorization issued under section 3332.05 of the 24665  
Revised Code. 24666

(ii) A technical education program of at least two years 24667  
duration sponsored by a private institution of higher education in 24668  
this state that meets the requirements of Title VI of the Civil 24669  
Rights Act of 1964. 24670

(c) If the student first enrolled in an undergraduate program 24671  
after the 2007-2008 academic year, the student is enrolled in 24672  
either of the following: 24673

(i) An accredited institution of higher education in this 24674  
state that meets the requirements of Title VI of the Civil Rights 24675  
Act of 1964 and is state-assisted, is nonprofit and has a 24676  
certificate of authorization from the board of regents pursuant to 24677  
Chapter 1713. of the Revised Code, or is a private institution 24678

exempt from regulation under Chapter 3332. of the Revised Code as 24679  
prescribed in section 3333.046 of the Revised Code; 24680

(ii) An education program of at least two years duration 24681  
sponsored by a private institution of higher education in this 24682  
state that meets the requirements of Title VI of the Civil Rights 24683  
Act of 1964 and has a certificate of authorization from the board 24684  
of regents pursuant to Chapter 1713. of the Revised Code. 24685

(2) A student who participated in either the early college 24686  
high school program administered by the department of education or 24687  
in the post-secondary enrollment options program pursuant to 24688  
Chapter 3365. of the Revised Code before the 2006-2007 academic 24689  
year shall not be excluded from eligibility for a ~~need based~~ 24690  
needs-based financial aid grant under this section. 24691

(3) "Resident," "expected family contribution" or "EFC," 24692  
"full-time student," "three-quarters-time student," "half-time 24693  
student," "one-quarter-time student," and "accredited" shall be 24694  
defined by rules adopted by the board. 24695

(B) The Ohio board of regents shall establish and administer 24696  
a needs-based financial aid program based on the United States 24697  
department of education's method of determining financial need and 24698  
may adopt rules to carry out this section. The program shall be 24699  
known as the Ohio college opportunity grant program. The general 24700  
assembly shall support the needs-based financial aid program by 24701  
such sums and in such manner as it may provide, but the board may 24702  
also receive funds from other sources to support the program. If 24703  
the amounts available for support of the program are inadequate to 24704  
provide grants to all eligible students, preference in the payment 24705  
of grants shall be given in terms of expected family contribution, 24706  
beginning with the lowest expected family contribution category 24707  
and proceeding upward by category to the highest expected family 24708  
contribution category. 24709

A needs-based financial aid grant shall be paid to an 24710  
eligible student through the institution in which the student is 24711  
enrolled, except that no needs-based financial aid grant shall be 24712  
paid to any person serving a term of imprisonment. Applications 24713  
for such grants shall be made as prescribed by the board, and such 24714  
applications may be made in conjunction with and upon the basis of 24715  
information provided in conjunction with student assistance 24716  
programs funded by agencies of the United States government or 24717  
from financial resources of the institution of higher education. 24718  
The institution shall certify that the student applicant meets the 24719  
requirements set forth in divisions (A)(1)(a) and (b) of this 24720  
section. Needs-based financial aid grants shall be provided to an 24721  
eligible student only as long as the student is making appropriate 24722  
progress toward a nursing diploma or an associate or bachelor's 24723  
degree. No student shall be eligible to receive a grant for more 24724  
than ten semesters, fifteen quarters, or the equivalent of five 24725  
academic years. A grant made to an eligible student on the basis 24726  
of less than full-time enrollment shall be based on the number of 24727  
credit hours for which the student is enrolled and shall be 24728  
computed in accordance with a formula adopted by the board. No 24729  
student shall receive more than one grant on the basis of less 24730  
than full-time enrollment. 24731

A needs-based financial aid grant shall not exceed the total 24732  
instructional and general charges of the institution. 24733

(C) The tables in this division prescribe the maximum grant 24734  
amounts covering two semesters, three quarters, or a comparable 24735  
portion of one academic year. Grant amounts for additional terms 24736  
in the same academic year shall be determined under division (D) 24737  
of this section. 24738

As used in the tables in division (C) of this section: 24739

(1) "Private institution" means an institution that is 24740  
nonprofit and has a certificate of authorization from the Ohio 24741

board of regents pursuant to Chapter 1713. of the Revised Code. 24742

(2) "Career college" means either an institution that holds a 24743  
 certificate of registration from the state board of career 24744  
 colleges and schools or a private institution exempt from 24745  
 regulation under Chapter 3332. of the Revised Code as prescribed 24746  
 in section 3333.046 of the Revised Code. 24747

Full-time students shall be eligible to receive awards 24748  
 according to the following table: 24749

Full-Time Enrollment 24750

If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$300	\$600	\$480	24752
2,001	2,100	402	798	642	24753
1,901	2,000	498	1,002	798	24754
1,801	1,900	600	1,200	960	24755
1,701	1,800	702	1,398	1,122	24756
1,601	1,700	798	1,602	1,278	24757
1,501	1,600	900	1,800	1,440	24758
1,401	1,500	1,002	1,998	1,602	24759
1,301	1,400	1,098	2,202	1,758	24760
1,201	1,300	1,200	2,400	1,920	24761
1,101	1,200	1,302	2,598	2,082	24762
1,001	1,100	1,398	2,802	2,238	24763
901	1,000	1,500	3,000	2,400	24764
801	900	1,602	3,198	2,562	24765
701	800	1,698	3,402	2,718	24766

601	700	1,800	3,600	2,280	24767
501	600	1,902	3,798	3,042	24768
401	500	1,998	4,002	3,198	24769
301	400	2,100	4,200	3,360	24770
201	300	2,202	4,398	3,522	24771
101	200	2,298	4,602	3,678	24772
1	100	2,400	4,800	3,840	24773
0	0	2,496	4,992	3,996	24774

Three-quarters-time students shall be eligible to receive awards according to the following table: 24775  
24776

Three-Quarters-Time Enrollment 24777

If the EFC is equal to or greater than:	And the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$228	\$450	\$360	24778
2,001	2,100	300	600	480	24779
1,901	2,000	372	750	600	24780
1,801	1,900	450	900	720	24781
1,701	1,800	528	1,050	840	24782
1,601	1,700	600	1,200	960	24783
1,501	1,600	678	1,350	1,080	24784
1,401	1,500	750	1,500	1,200	24785
1,301	1,400	822	1,650	1,320	24786
1,201	1,300	900	1,800	1,440	24787
1,101	1,200	978	1,950	1,560	24788
1,001	1,100	1,050	2,100	1,680	24789
901	1,000	1,128	2,250	1,800	24790
801	900	1,200	2,400	1,920	24791

701	800	1,272	2,550	2,040	24793
601	700	1,350	2,700	2,160	24794
501	600	1,428	2,850	2,280	24795
401	500	1,500	3,000	2,400	24796
301	400	1,578	3,150	2,520	24797
201	300	1,650	3,300	2,640	24798
101	200	1,722	3,450	2,760	24799
1	100	1,800	3,600	2,880	24800
0	0	1,872	3,744	3,000	24801

Half-time students shall be eligible to receive awards 24802  
according to the following table: 24803

Half-Time Enrollment 24804

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	\$150	\$300	\$240	24805
2,001	2,100	204	402	324	24806
1,901	2,000	252	504	402	24807
1,801	1,900	300	600	480	24808
1,701	1,800	354	702	564	24809
1,601	1,700	402	804	642	24810
1,501	1,600	450	900	720	24811
1,401	1,500	504	1,002	804	24812
1,301	1,400	552	1,104	882	24813
1,201	1,300	600	1,200	960	24814
1,101	1,200	654	1,302	1,044	24815
1,001	1,100	702	1,404	1,122	24816
901	1,000	750	1,500	1,200	24817
					24818

801	900	804	1,602	1,284	24819
701	800	852	1,704	1,362	24820
601	700	900	1,800	1,440	24821
501	600	954	1,902	1,524	24822
401	500	1,002	2,004	1,602	24823
301	400	1,050	2,100	1,680	24824
201	300	1,104	2,202	1,764	24825
101	200	1,152	2,304	1,842	24826
1	100	1,200	2,400	1,920	24827
0	0	1,248	2,496	1,998	24828

One-quarter-time students shall be eligible to receive awards 24829  
according to the following table: 24830

One-Quarter-Time Enrollment 24831

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	24833
2,001	2,100	102	198	162	24834
1,901	2,000	126	252	198	24835
1,801	1,900	150	300	240	24836
1,701	1,800	174	348	282	24837
1,601	1,700	198	402	318	24838
1,501	1,600	228	450	360	24839
1,401	1,500	252	498	402	24840
1,301	1,400	276	552	438	24841
1,201	1,300	300	600	480	24842
1,101	1,200	324	648	522	24843
1,001	1,100	348	702	558	24844



901	1,000	378	750	600	24845
801	900	402	798	642	24846
701	800	426	852	678	24847
601	700	450	900	720	24848
501	600	474	948	762	24849
401	500	498	1,002	798	24850
301	400	528	1,050	840	24851
201	300	552	1,098	882	24852
101	200	576	1,152	918	24853
1	100	600	1,200	960	24854
0	0	624	1,248	1,002	24855

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under that division.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per

cent for each of the preceding two fiscal years. 24877

(2) Division (F)(1) of this section does not apply to the 24878  
following: 24879

(a) Any student enrolled in an institution that under the 24880  
federal law appeals its loss of eligibility for federal financial 24881  
aid and the United States secretary of education determines its 24882  
cohort default rate after recalculation is lower than the rate 24883  
specified in division (F)(1) of this section or the secretary 24884  
determines due to mitigating circumstances the institution may 24885  
continue to participate in federal financial aid programs. The 24886  
board shall adopt rules requiring institutions to provide 24887  
information regarding an appeal to the board. 24888

(b) Any student who has previously received a grant under 24889  
this section who meets all other requirements of this section. 24890

(3) The board shall adopt rules for the notification of all 24891  
institutions whose students will be ineligible to participate in 24892  
the grant program pursuant to division (F)(1) of this section. 24893

(4) A student's attendance at an institution whose students 24894  
lose eligibility for grants under division (F)(1) of this section 24895  
shall not affect that student's eligibility to receive a grant 24896  
when enrolled in another institution. 24897

(G) Institutions of higher education that enroll students 24898  
receiving needs-based financial aid grants under this section 24899  
shall report to the board all students who have received 24900  
needs-based financial aid grants but are no longer eligible for 24901  
all or part of such grants and shall refund any moneys due the 24902  
state within thirty days after the beginning of the quarter or 24903  
term immediately following the quarter or term in which the 24904  
student was no longer eligible to receive all or part of the 24905  
student's grant. There shall be an interest charge of one per cent 24906  
per month on all moneys due and payable after such thirty-day 24907

period. The board shall immediately notify the office of budget 24908  
and management and the legislative service commission of all 24909  
refunds so received. 24910

**Sec. 3333.38.** (A) As used in this section: 24911

(1) "Institution of higher education" includes all of the 24912  
following: 24913

(a) A state institution of higher education, as defined in 24914  
section 3345.011 of the Revised Code; 24915

(b) A nonprofit institution issued a certificate of 24916  
authorization by the Ohio board of regents under Chapter 1713. of 24917  
the Revised Code; 24918

(c) A private institution exempt from regulation under 24919  
Chapter 3332. of the Revised Code, as prescribed in section 24920  
3333.046 of the Revised Code; 24921

(d) An institution of higher education with a certificate of 24922  
registration from the state board of career colleges and schools 24923  
under Chapter 3332. of the Revised Code. 24924

(2) "Student financial assistance supported by state funds" 24925  
includes assistance granted under sections 3315.33, 3333.12, 24926  
3333.122, 3333.21, 3333.26, 3333.27, 3333.28, ~~3333.29~~, 3333.372, 24927  
5910.03, 5910.032, and 5919.34 of the Revised Code and any other 24928  
post-secondary student financial assistance supported by state 24929  
funds. 24930

(B) An individual who is convicted of, pleads guilty to, or 24931  
is adjudicated a delinquent child for one of the following 24932  
violations shall be ineligible to receive any student financial 24933  
assistance supported by state funds at an institution of higher 24934  
education for two calendar years from the time the individual 24935  
applies for assistance of that nature: 24936

(1) A violation of section 2917.02 or 2917.03 of the Revised 24937

Code; 24938

(2) A violation of section 2917.04 of the Revised Code that 24939  
is a misdemeanor of the fourth degree; 24940

(3) A violation of section 2917.13 of the Revised Code that 24941  
is a misdemeanor of the fourth or first degree and occurs within 24942  
the proximate area where four or more others are acting in a 24943  
course of conduct in violation of section 2917.11 of the Revised 24944  
Code. 24945

(C) If an individual is convicted of, pleads guilty to, or is 24946  
adjudicated a delinquent child for committing a violation of 24947  
section 2917.02 or 2917.03 of the Revised Code, and if the 24948  
individual is enrolled in a state-supported institution of higher 24949  
education, the institution in which the individual is enrolled 24950  
shall immediately dismiss the individual. No state-supported 24951  
institution of higher education shall admit an individual of that 24952  
nature for one academic year after the individual applies for 24953  
admission to a state-supported institution of higher education. 24954  
This division does not limit or affect the ability of a 24955  
state-supported institution of higher education to suspend or 24956  
otherwise discipline its students. 24957

Sec. 3333.50. The Ohio board of regents, in consultation with 24958  
the governor and the department of development, shall develop a 24959  
critical needs rapid response system to respond quickly to 24960  
critical workforce shortages in the state. Not later than ninety 24961  
days after a critical workforce shortage is identified, the 24962  
chancellor of the board shall submit to the governor a proposal 24963  
for addressing the shortage through initiatives of the board or 24964  
institutions of higher education. 24965

Sec. 3345.02. As used in this section, "state institution of 24966  
higher education" has the same meaning as in section 3345.011 of 24967

the Revised Code. 24968

Beginning in the 2008-2009 academic year, each state 24969  
institution of higher education shall include in each statement of 24970  
estimated or actual charges owed by a student enrolled in the 24971  
institution an itemized list of the instructional fees, general 24972  
fees, special purpose fees, service charges, fines, and any other 24973  
fees or surcharges applicable to the student. 24974

**Sec. 3353.20.** As used in sections 3353.20 to 3353.30 of the 24975  
Revised Code: 24976

(A) "Clearinghouse" means the clearinghouse established under 24977  
section 3353.21 of the Revised Code. 24978

(B) "Data verification code" means the code assigned to a 24979  
student under division (D)(2) of section 3301.0714 of the Revised 24980  
Code. 24981

(C) "One-half unit" of instruction has the same meaning as in 24982  
section 3313.603 of the Revised Code. 24983

(D) A "student's community school" means the community school 24984  
established under Chapter 3314. of the Revised Code in which the 24985  
student is enrolled instead of being enrolled in a school operated 24986  
by a school district. 24987

(E) A "student's school district" means the school district 24988  
operating the school in which the student is lawfully enrolled. 24989

**Sec. 3353.21.** (A) The eTech Ohio commission shall establish a 24990  
clearinghouse of interactive distance learning courses and other 24991  
distance learning courses delivered via a computer-based method 24992  
offered by school districts for sharing with other school 24993  
districts and community schools for the fee set pursuant to 24994  
section 3353.24 of the Revised Code. The commission shall not be 24995  
responsible for the content of courses offered through the 24996

clearinghouse; however, all such courses shall be delivered only 24997  
in accordance with technical specifications approved by the 24998  
commission. 24999

(B) To offer a course through the clearinghouse, a school 25000  
district shall apply to the commission in a form and manner 25001  
prescribed by the commission. The application for each course 25002  
shall describe the course of study in as much detail as required 25003  
by the commission, the qualification and credentials of the 25004  
teacher, the number of hours of instruction, the technology 25005  
required to deliver and receive the course, the technical capacity 25006  
of the school district to deliver the course, the times that the 25007  
school district plans to deliver the course, and any other 25008  
information required by the commission. The commission may require 25009  
school districts to include in their applications information 25010  
recommended by the state board of education under section 3353.30 25011  
of the Revised Code. 25012

(C) The commission shall review the technical specifications 25013  
of each application submitted under division (B) of this section 25014  
and shall approve a course offered if the commission determines 25015  
that the school district can satisfactorily deliver the course 25016  
through the technology necessary for that delivery. In reviewing 25017  
applications, the commission may consult with the department of 25018  
education; however, the responsibility to either approve or not 25019  
approve a course for the clearinghouse belongs to the commission. 25020  
The commission may request additional information from a school 25021  
district that submits an application under division (B) of this 25022  
section, if the commission determines that such information is 25023  
necessary. The commission may negotiate changes in the proposal to 25024  
offer a course, if the commission determines that changes are 25025  
necessary in order to approve the course. 25026

(D) The commission shall catalog each course approved for the 25027  
clearinghouse, through a print or electronic medium, displaying 25028

<u>the following:</u>	25029
<u>(1) Information necessary for a student and the student's</u>	25030
<u>parent, guardian, or custodian and the student's school district</u>	25031
<u>or community school to decide whether to enroll in the course;</u>	25032
<u>(2) Instructions for enrolling in that course, including</u>	25033
<u>deadlines for enrollment.</u>	25034
<u>Sec. 3353.22. (A) A student who is enrolled in a school</u>	25035
<u>operated by a school district or in a community school may enroll</u>	25036
<u>in a course included in the clearinghouse only if both of the</u>	25037
<u>following conditions are satisfied:</u>	25038
<u>(1) The student's enrollment in the course is approved by the</u>	25039
<u>student's school district or the student's community school.</u>	25040
<u>(2) The student's school district or the student's community</u>	25041
<u>school agrees to accept for credit the grade assigned by the</u>	25042
<u>district that is delivering the course.</u>	25043
<u>(B) For each student enrolling in a course, the student's</u>	25044
<u>school district or the student's community school shall transmit</u>	25045
<u>to the eTech Ohio commission only the student's data verification</u>	25046
<u>code and not the student's name. The commission shall transmit</u>	25047
<u>that student's code to the school district delivering the course.</u>	25048
<u>The district delivering the course may request from the</u>	25049
<u>student's school district or the student's community school the</u>	25050
<u>student's name and other information from the student's school</u>	25051
<u>record. The student's school district or the student's community</u>	25052
<u>school shall provide the requested information only in accordance</u>	25053
<u>with section 3319.321 of the Revised Code.</u>	25054
<u>(C) The student's school district or the student's community</u>	25055
<u>school shall determine the manner in which and facilities at which</u>	25056
<u>the student shall participate in the course consistent with</u>	25057
<u>specifications for technology and connectivity adopted by the</u>	25058

commission. 25059

(D) A student may withdraw from a course prior to the end of 25060  
the course only by a date and in a manner prescribed by the 25061  
student's school district or community school. 25062

(E) A student who is enrolled in a school operated by a 25063  
school district or in a community school and who takes a course 25064  
included in the clearinghouse shall be counted in the formula ADM 25065  
of a school district under section 3317.03 of the Revised Code as 25066  
if the student were taking the course from the student's school 25067  
district or the student's community school. 25068

Sec. 3353.23. (A) The eTech Ohio commission shall keep a 25069  
record of each student enrolled in each course included in the 25070  
clearinghouse using the student's data verification code. 25071

(B) The commission shall report to the department of 25072  
education the data verification code for each student enrolled in 25073  
a course, the name of the school district delivering the course, 25074  
the name of the student's school district or the name of the 25075  
student's community school, the fee for the course, and the 25076  
beginning and ending date of the course. 25077

Sec. 3353.24. (A) Unless the eTech Ohio commission sets a 25078  
different fee amount pursuant to division (B) of this section, the 25079  
fee for each course that is the equivalent of one-half unit of 25080  
instruction offered through the clearinghouse shall be one hundred 25081  
seventy-five dollars per student. The commission shall set the fee 25082  
for a course that is either less than or greater than one-half 25083  
unit of instruction based on the proportional amount the course is 25084  
either less than or greater than one-half unit of instruction. 25085

(B) The commission, by rule adopted in accordance with 25086  
Chapter 119. of the Revised Code, may set a fee for courses 25087  
offered through the clearinghouse at a rate other than the one 25088



specified in division (A) of this section. 25089

(C) The commission shall proportionally reduce the fee for 25090  
any student who withdraws from a course prior to the end of the 25091  
course pursuant to division (D) of section 3353.22 of the Revised 25092  
Code. 25093

Sec. 3353.25. For each student enrolled in a course included 25094  
in the clearinghouse, in accordance with information reported 25095  
under division (B) of section 3353.23 of the Revised Code and not 25096  
later than the last day of that course, the department of 25097  
education shall deduct the amount of the fee for that course from 25098  
the student's school district or the student's community school, 25099  
under division (P) of section 3317.023 or section 3314.086 or 25100  
3317.161 of the Revised Code, and shall pay that amount to the 25101  
school district delivering the course. 25102

Sec. 3353.26. The grade for a student who enrolls in a course 25103  
included in the clearinghouse shall be assigned by the school 25104  
district that delivers the course and shall be transmitted by that 25105  
district to the student's school district or the student's 25106  
community school. 25107

Sec. 3353.27. The eTech Ohio commission may determine the 25108  
manner in which a course included in the clearinghouse may be 25109  
offered as a dual enrollment program as defined in section 25110  
3313.6013 of the Revised Code, may be offered to students who are 25111  
enrolled in nonpublic schools or are instructed at home pursuant 25112  
to section 3321.04 of the Revised Code, or may be offered at times 25113  
outside the normal school day or school week, including any 25114  
necessary additional fees and methods of payment for a course so 25115  
offered. 25116

Sec. 3353.28. The eTech Ohio commission shall adopt rules in 25117

accordance with Chapter 119. of the Revised Code prescribing 25118  
procedures for the implementation of sections 3353.20 to 3353.27 25119  
of the Revised Code. 25120

Sec. 3353.29. Nothing in sections 3353.20 to 3353.28 of the 25121  
Revised Code, or in rules implementing those sections, shall 25122  
prohibit a school district from offering an interactive distance 25123  
learning course or other distance learning course using a 25124  
computer-based method through any means other than the 25125  
clearinghouse established and maintained under those sections. 25126

Sec. 3353.30. Not later than six months after the effective 25127  
date of this section, the state board of education shall adopt a 25128  
resolution recommending to the eTech Ohio commission the types of 25129  
information about a distance learning course that the commission 25130  
might require school districts to submit with their applications 25131  
to include the course in the clearinghouse. 25132

Sec. 3357.01. As used in sections 3357.01 to 3357.19, 25133  
inclusive, of the Revised Code: 25134

(A) "Technical college" means an institution of education 25135  
beyond the high school, including an institution of higher 25136  
education, organized for the principal purpose of providing for 25137  
the residents of the technical college district, wherein such 25138  
college is situated, any one or more of the instructional programs 25139  
defined in this section as "~~technical college~~ technical college," 25140  
or "adult-education technical programs," normally not exceeding 25141  
two years duration and not leading to a baccalaureate degree. 25142

(B) "Technical college district" means a political 25143  
subdivision of the state and a body corporate with all the powers 25144  
of a corporation, comprised of the territory of a city school 25145  
district or a county, or two or more contiguous school districts 25146  
or counties, which meets the standards prescribed by the Ohio 25147

board of regents pursuant to section 3357.02 of the Revised Code, 25148  
and which is organized for the purpose of establishing, owning, 25149  
and operating one or more technical colleges within the territory 25150  
of such district. 25151

(C) "Contiguous school districts or counties" means school 25152  
districts or counties so located that each such school district or 25153  
county shares at least one boundary or a portion thereof in common 25154  
with at least one other such school district or county in the 25155  
group of school districts or counties referred to as being 25156  
"contiguous." 25157

(D) "Technical college program" means a post high school 25158  
curricular program provided within a technical college, planned 25159  
and intended to qualify students, after satisfactory completion of 25160  
such a program normally two years in duration, to pursue careers 25161  
in which they provide immediate technical assistance to 25162  
professional or managerial persons generally required to hold 25163  
baccalaureate or higher academic degrees in technical or 25164  
professional fields. The technical and professional fields 25165  
referred to in this section include, but are not limited to, 25166  
engineering and physical, medical, or other sciences. 25167

(E) "Adult-education technical program" means the 25168  
dissemination of post high school technical education service and 25169  
knowledge, for the occupational, or general educational benefit of 25170  
adult persons. 25171

(F) "Charter amendment" means a change in the official plan 25172  
of a technical college for the purpose of acquiring additional 25173  
lands or structures, disposing of or transferring lands or 25174  
structures, erecting structures, creating or abolishing technical 25175  
college or adult education technical curricular programs. 25176

(G) "Baccalaureate-oriented program" means a curricular 25177  
program of not more than two years' duration that is planned and 25178

intended to enable students to gain academic credit for courses 25179  
comparable to first- and second-year courses offered by accredited 25180  
colleges and universities. The purpose of baccalaureate-oriented 25181  
coursework in technical colleges is to enable students to transfer 25182  
to colleges and universities and earn baccalaureate degrees or to 25183  
enable students to terminate academic study after two years with a 25184  
proportionate recognition of academic achievement through receipt 25185  
of an associate degree. 25186

**Sec. 3357.13.** As used in this section, "state institution of 25187  
higher education" has the same meaning as in section 3345.011 of 25188  
the Revised Code. 25189

A technical college may offer baccalaureate-oriented programs 25190  
regardless of its co-location with another state institution of 25191  
higher education. 25192

**Sec. 3365.01.** As used in this chapter: 25193

(A) "College" means any state-assisted college or university 25194  
described in section 3333.041 of the Revised Code, any nonprofit 25195  
institution holding a certificate of authorization pursuant to 25196  
Chapter 1713. of the Revised Code, any private institution exempt 25197  
from regulation under Chapter 3332. of the Revised Code as 25198  
prescribed in section 3333.046 of the Revised Code, and any 25199  
institution holding a certificate of registration from the state 25200  
board of career colleges and schools and program authorization for 25201  
an associate or bachelor's degree program issued under section 25202  
3332.05 of the Revised Code. 25203

(B) "School district," except as specified in division (G) of 25204  
this section, means any school district to which a student is 25205  
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 25206  
the Revised Code and does not include a joint vocational or 25207  
cooperative education school district. 25208

(C) "Parent" has the same meaning as in section 3313.64 of the Revised Code. 25209  
25210

(D) "Participant" means a student enrolled in a college under the post-secondary enrollment options program established by this chapter. 25211  
25212  
25213

(E) "Secondary grade" means the ninth through twelfth grades. 25214

(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. 25215  
25216  
25217

(G) "Tuition base" means, with respect to a participant's school district, the ~~greater of the following:~~ 25218  
25219

~~(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;~~ 25220  
25221  
25222

~~(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. 25223  
25224  
25225  
25226  
25227

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. 25228  
25229  
25230  
25231

(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. 25232  
25233  
25234

(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. 25235  
25236  
25237  
25238

(J) "School year" means the year beginning on the first day 25239  
of July and ending on the thirtieth day of June. 25240

(K) "Community school" means any school established pursuant 25241  
to Chapter 3314. of the Revised Code that includes secondary 25242  
grades. 25243

(L) "Community school payments" means payments made by the 25244  
department of education to a community school pursuant to division 25245  
(D) of section 3314.08 of the Revised Code. 25246

**Sec. 3375.05.** The board of trustees of any public library 25247  
receiving money from a county's ~~library and local government~~ 25248  
~~support libraries~~ fund that desires to render public library 25249  
service by means of branches, library stations, or traveling 25250  
library service to the inhabitants of any school district, other 25251  
than a school district situated within the territorial boundaries 25252  
of the subdivision or district over which said board has 25253  
jurisdiction of free public library service, may make application 25254  
to the state library board, upon forms provided by said board, for 25255  
the establishment of such service. Said application shall set 25256  
forth the total number of people being served by said library on 25257  
the date of said application; an inventory of the books owned by 25258  
said library; the number of branches, library stations, and 25259  
traveling library service maintained by said library on the date 25260  
of said application; the number and classification of the 25261  
employees of said library and such other information as the state 25262  
library board deems pertinent. Such application shall be 25263  
accompanied by a financial statement of the library making the 25264  
application covering the two fiscal years next preceding the date 25265  
of said application. Upon receipt of said application by the state 25266  
library board, the state librarian, or an employee of the state 25267  
library board designated by such librarian, shall visit the 25268  
library making the application for the purpose of determining 25269

whether or not the establishment of branches, library stations, or 25270  
traveling library service as requested in said application will 25271  
promote better library service in the district covered by said 25272  
application. Upon the completion of such inspection, the 25273  
librarian, or the person designated by the librarian to make such 25274  
inspection, shall prepare a written report setting forth ~~his~~ the 25275  
librarian's or designee's recommendations pertaining to the 25276  
establishment of the branches, stations, or traveling library 25277  
service as set forth in the application. Such report shall be 25278  
submitted to the state library board within ninety days after the 25279  
receipt of such application by the state library board. Within 25280  
thirty days after such report has been filed with the state 25281  
library board, said board shall either approve or disapprove, in 25282  
whole or in part, the establishment of branches, library stations, 25283  
or traveling library service as requested in said application. The 25284  
decision of the state library board shall be final. Within ten 25285  
days after final action has been taken by the state library board, 25286  
upon such application, the librarian shall notify in writing the 25287  
board of trustees of the public library making such application of 25288  
the decision of the state library board. 25289

The state library board may withdraw its approval of library 25290  
service rendered by any library to the inhabitants of a school 25291  
district other than the school district in which the main library 25292  
of such library is located. At least thirty days before the 25293  
approval of such service may be withdrawn, the state library board 25294  
shall give written notice to the board of trustees of the library 25295  
rendering the service and the board of education of the school 25296  
district to which such service is being rendered. Such notice 25297  
shall set forth the reasons for the withdrawal of the approval of 25298  
such service. If the board of trustees of the library rendering 25299  
such service, or the board of education of a school district to 25300  
which such service is being rendered, objects to the withdrawal of 25301  
such approval it may, within twenty days of the receipt of such 25302

notice, request, in writing, the state library board to hold a 25303  
hearing for the purpose of hearing protests to the withdrawal of 25304  
such approval. Upon the receipt of such request, the state library 25305  
board shall set the time and place of such hearing which shall be 25306  
held within the territorial boundaries of the school district 25307  
being served by the branch, station, or traveling library service 25308  
whose continued operation is in question. Such hearing shall be 25309  
held not less than thirty days after the receipt by the state 25310  
library board of the request for such hearing. The state library 25311  
board shall take no action on the withdrawal of approval of such 25312  
service until after the holding of such hearing. The decision of 25313  
the state library board shall be final. 25314

**Sec. 3375.121.** (A) In any municipal corporation, not located 25315  
in a county library district, which has a population of not less 25316  
than twenty-five thousand, and within which there is not located a 25317  
main library of a township, municipal, school district, 25318  
association, or county free public library, a library district may 25319  
be created by a resolution adopted by the legislative authority of 25320  
that municipal corporation. No such resolution shall be adopted 25321  
after one year from June 20, 1977. Upon the adoption of such a 25322  
resolution, any branches of an existing library that are located 25323  
in that municipal corporation shall become the property of the 25324  
municipal library district created. 25325

The municipal corporation and the board of trustees of the 25326  
public library maintaining any existing branches in that municipal 25327  
corporation shall forthwith take appropriate action transferring 25328  
all title and interest in all real and personal property located 25329  
in that municipal corporation in the name of the library district 25330  
maintaining those branches in that municipal corporation to the 25331  
municipal corporation adopting the appropriate resolution. Upon 25332  
transfer of all title and interest in that property, the branches 25333  
shall become a part of, and be operated by, the board of library 25334



trustees appointed by the mayor. 25335

(B) In any municipal corporation that has a population of 25336  
less than twenty-five thousand and that has not less than one 25337  
hundred thousand dollars available from a bequest for the 25338  
establishment of a municipal library, the legislative authority of 25339  
that municipal corporation may adopt, within one year after June 25340  
20, 1977, a resolution creating a library district. Upon the 25341  
establishment of any such library district, the board of trustees 25342  
of any library operating a branch library in that municipal 25343  
corporation shall not be required to transfer any property to the 25344  
newly established library. 25345

(C) The board of library trustees of any library district 25346  
created under this section shall be composed of six members. Those 25347  
trustees shall be appointed by the mayor, to serve without 25348  
compensation, for a term of four years. In the first instance, 25349  
three of those trustees shall be appointed for a term of two 25350  
years, and three of them shall be appointed for a term of four 25351  
years. Vacancies shall be filled by like appointment for the 25352  
unexpired term. A library district created under this section 25353  
shall be governed in accordance with and exercise the authority 25354  
provided for in sections 3375.32 to 3375.41 of the Revised Code. 25355

Notwithstanding any contrary provision of section 3.24 of the 25356  
Revised Code, the president of a board of township trustees may 25357  
administer the oath of office to a person or persons representing 25358  
the township on the board of library trustees of any library 25359  
district created under this section, even if the geographical 25360  
limits of the library district do not fall within the geographical 25361  
limits of the township. 25362

(D) Any library district created under this section is 25363  
eligible to participate in the proceeds of the county ~~library and~~ 25364  
local ~~government support~~ libraries fund in accordance with section 25365  
5705.28 of the Revised Code. 25366

(E) A municipal corporation may establish and operate a free public library regardless of whether the municipal corporation is located in a county library district or school library district, if all of the following conditions are met:

(1) The facility in which the library is principally located is transferred to the municipal corporation from the county library district or school library district in which it is located prior to January 1, 1996.

(2) The population of the municipal corporation is less than five hundred when the library is transferred from the county library district or school library district to the municipal corporation.

(3) The municipal corporation does not establish a municipal library district under this section.

(4) The library does not receive any proceeds from the county ~~library and local government support libraries~~ fund under section 5747.48 of the Revised Code.

**Sec. 3375.40.** Each board of library trustees appointed pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, or 3375.30 of the Revised Code may do the following:

(A) Hold title to and have the custody of all real and personal property of the free public library under its jurisdiction;

(B) Expend for library purposes, and in the exercise of the power enumerated in this section, all moneys, whether derived from the county ~~library and local government support libraries~~ fund or otherwise, credited to the free public library under its jurisdiction and generally do all things it considers necessary for the establishment, maintenance, and improvement of the free public library under its jurisdiction;

(C) Purchase, lease, construct, remodel, renovate, or 25397  
otherwise improve, equip, and furnish buildings or parts of 25398  
buildings and other real property, and purchase, lease, or 25399  
otherwise acquire motor vehicles and other personal property, 25400  
necessary for the proper maintenance and operation of the free 25401  
public library under its jurisdiction, and pay their costs in 25402  
installments or otherwise. Financing of these costs may be 25403  
provided through the issuance of notes, through an installment 25404  
sale, or through a lease-purchase agreement. Any such notes shall 25405  
be issued pursuant to section 3375.404 of the Revised Code. 25406

(D) Purchase, lease, lease with an option to purchase, or 25407  
erect buildings or parts of buildings to be used as main 25408  
libraries, branch libraries, or library stations pursuant to 25409  
section 3375.41 of the Revised Code; 25410

(E) Establish and maintain a main library, branches, library 25411  
stations, and traveling library service within the territorial 25412  
boundaries of the political subdivision or district over which it 25413  
has jurisdiction of free public library service; 25414

(F) Except as otherwise provided in this division, establish 25415  
and maintain branches, library stations, and traveling library 25416  
service in any school district, outside the territorial boundaries 25417  
of the political subdivision or district over which it has 25418  
jurisdiction of free public library service, upon application to 25419  
and approval of the state library board, pursuant to section 25420  
3375.05 of the Revised Code. The board of library trustees of any 25421  
free public library maintaining branches, stations, or traveling 25422  
library service, outside the territorial boundaries of the 25423  
political subdivision or district over which it has jurisdiction 25424  
of free public library service, on September 4, 1947, may continue 25425  
to maintain and operate those branches, those stations, and that 25426  
traveling library service without the approval of the state 25427  
library board. 25428

(G) Appoint and fix the compensation of all of the employees 25429  
of the free public library under its jurisdiction, pay the 25430  
reasonable cost of tuition for any of its employees who enroll in 25431  
a course of study the board considers essential to the duties of 25432  
the employee or to the improvement of the employee's performance, 25433  
and reimburse applicants for employment for any reasonable 25434  
expenses they incur by appearing for a personal interview; 25435

(H) Make and publish rules for the proper operation and 25436  
management of the free public library and facilities under its 25437  
jurisdiction, including rules pertaining to the provision of 25438  
library services to individuals, corporations, or institutions 25439  
that are not inhabitants of the county; 25440

(I) Assess uniform fees for the provision of services to 25441  
patrons of the library, but no fee shall be assessed for the 25442  
circulation of printed materials held by the library except for 25443  
the assessment of fines for materials not returned in accordance 25444  
with the board's rules; 25445

(J) Establish and maintain a museum in connection with and as 25446  
an adjunct to the free public library under its jurisdiction; 25447

(K) By the adoption of a resolution, accept any bequest, 25448  
gift, or endowment upon the conditions connected with the bequest, 25449  
gift, or endowment. No such bequest, gift, or endowment shall be 25450  
accepted by the board if its conditions remove any portion of the 25451  
free public library under the board's jurisdiction from the 25452  
control of the board or if the conditions, in any manner, limit 25453  
the free use of the library or any part of it by the residents of 25454  
the counties in which the library is located. 25455

(L) At the end of any fiscal year, by a two-thirds vote of 25456  
its full membership, set aside any unencumbered surplus remaining 25457  
in the general fund of the free public library under its 25458  
jurisdiction for any purpose, including creating or increasing a 25459

special building and repair fund, or for operating the library or 25460  
acquiring equipment and supplies; 25461

(M) Procure and pay all or part of the cost of group term 25462  
life, hospitalization, surgical, major medical, disability 25463  
benefit, dental care, eye care, hearing aids, or prescription drug 25464  
insurance or coverage, or a combination of any of those types of 25465  
insurance or coverage, whether issued by an insurance company or a 25466  
health insuring corporation duly licensed by the state, covering 25467  
its employees, and, in the case of group term life, 25468  
hospitalization, surgical, major medical, dental care, eye care, 25469  
hearing aids, or prescription drug insurance or coverage, also 25470  
covering the dependents and spouses of its employees, and, in the 25471  
case of disability benefits, also covering the spouses of its 25472  
employees. 25473

(N) Pay reasonable dues and expenses for the free public 25474  
library and library trustees in library associations. 25475

Any instrument by which real property is acquired pursuant to 25476  
this section shall identify the agency of the state that has the 25477  
use and benefit of the real property as specified in section 25478  
5301.012 of the Revised Code. 25479

**Sec. 3375.85.** An interstate library district lying partly 25480  
within this state may claim and be entitled to receive state aid, 25481  
other than aid from the ~~library and local government support~~ 25482  
libraries fund, in support of any of its functions to the same 25483  
extent and in the same manner as such functions are eligible for 25484  
~~support~~ support when carried on by entities wholly within this 25485  
state. For the purposes of computing and apportioning such state 25486  
aid to an interstate library district, this state will consider 25487  
that portion of the area which lies within this state as an 25488  
independent entity for the performance of the aided function or 25489  
functions and compute and apportion the aid accordingly. Any 25490

library association that was organized and operated prior to 25491  
January 1, 1968, and which pursuant to the authority granted in 25492  
section 3375.83 of the Revised Code, has become part of an 25493  
interstate library district shall be considered a library 25494  
association under section 5705.28 of the Revised Code and entitled 25495  
to participate in the county ~~library and local government support~~ 25496  
libraries fund and other public funds. Subject to any applicable 25497  
laws of this state, such a district also may apply for and be 25498  
entitled to receive any federal aid for which it may be eligible. 25499

**Sec. 3381.04.** (A) In lieu of the procedure set forth in 25500  
section 3381.03 of the Revised Code, any county with a population 25501  
of five hundred thousand or more, at any time before the creation 25502  
of a regional arts and cultural district under that section, may 25503  
create a regional arts and cultural district by adoption of a 25504  
resolution by the board of county commissioners of that county. 25505  
The resolution shall state all of the following: 25506

(1) The purposes for the creation of the district; 25507

(2) That the territory of the district shall be coextensive 25508  
with the territory of the county; 25509

(3) The official name by which the district shall be known; 25510

(4) The location of the principal office of the district or 25511  
the manner in which the location shall be selected. 25512

(B) The district provided for in the resolution shall be 25513  
created upon the adoption of the resolution by the board of county 25514  
commissioners of that county. Upon the adoption of the resolution, 25515  
the county and the municipal corporations and townships contained 25516  
in the county shall not thereafter be a part of any other regional 25517  
arts and cultural district. 25518

(C) The board of trustees of any regional arts and cultural 25519  
district formed in accordance with this section shall be comprised 25520

of ~~three~~ five members appointed by the board of county 25521  
commissioners. 25522

**Sec. 3501.17.** (A) The expenses of the board of elections 25523  
shall be paid from the county treasury, in pursuance of 25524  
appropriations by the board of county commissioners, in the same 25525  
manner as other county expenses are paid. If the board of county 25526  
commissioners fails to appropriate an amount sufficient to provide 25527  
for the necessary and proper expenses of the board of elections 25528  
pertaining to the conduct of elections, the board of elections may 25529  
apply to the court of common pleas within the county, which shall 25530  
fix the amount necessary to be appropriated and the amount shall 25531  
be appropriated. Payments shall be made upon vouchers of the board 25532  
of elections certified to by its chairperson or acting chairperson 25533  
and the director or deputy director, upon warrants of the county 25534  
auditor. 25535

The board of elections shall not incur any obligation 25536  
involving the expenditure of money unless there are moneys 25537  
sufficient in the funds appropriated therefor to meet the 25538  
obligation. If the board of elections requests a transfer of funds 25539  
from one of its appropriation items to another, the board of 25540  
county commissioners shall adopt a resolution providing for the 25541  
transfer except as otherwise provided in section 5705.40 of the 25542  
Revised Code. The expenses of the board of elections shall be 25543  
apportioned among the county and the various subdivisions as 25544  
provided in this section, and the amount chargeable to each 25545  
subdivision shall be withheld by the auditor from the moneys 25546  
payable thereto at the time of the next tax settlement. At the 25547  
time of submitting budget estimates in each year, the board of 25548  
elections shall submit to the taxing authority of each 25549  
subdivision, upon the request of the subdivision, an estimate of 25550  
the amount to be withheld from the subdivision during the next 25551  
fiscal year. 25552

(B) Except as otherwise provided in division (F) of this 25553  
section, the ~~entire~~ compensation of the members of the board of 25554  
elections and of the director, deputy director, and ~~other~~ regular 25555  
employees in the board's offices, other than compensation for 25556  
overtime worked; the expenditures for the rental, furnishing, and 25557  
equipping of the office of the board and for the necessary office 25558  
supplies for the use of the board; the expenditures for the 25559  
acquisition, repair, care, and custody of the polling places, 25560  
booths, guardrails, and other equipment for polling places; the 25561  
cost of ~~pollbooks~~, tally sheets, maps, flags, ballot boxes, and 25562  
all other permanent records and equipment; the cost of all 25563  
elections held in and for the state and county; and all other 25564  
expenses of the board which are not chargeable to a political 25565  
subdivision in accordance with this section shall be paid in the 25566  
same manner as other county expenses are paid. 25567

(C) The compensation of judges ~~and~~ of elections, clerks of 25568  
elections, and intermittent employees in the board's offices; the 25569  
cost of renting, moving, heating, and lighting polling places and 25570  
of placing and removing ballot boxes and other fixtures and 25571  
equipment thereof, including voting machines, marking devices, and 25572  
automatic tabulating equipment; the cost of printing and 25573  
delivering ballots, cards of instructions, registration lists 25574  
required under section 3503.23 of the Revised Code, and other 25575  
election supplies, including the supplies required to comply with 25576  
division (H) of section 3506.01 of the Revised Code; the cost of 25577  
contractors engaged by the board to prepare, program, test, and 25578  
operate voting machines, marking devices, and automatic tabulating 25579  
equipment; and all other expenses of conducting primaries and 25580  
elections in the odd-numbered years shall be charged to the 25581  
subdivisions in and for which such primaries or elections are 25582  
held. The charge for each primary or general election in 25583  
odd-numbered years for each subdivision shall be determined in the 25584  
following manner: first, the total cost of all chargeable items 25585



used in conducting such elections shall be ascertained; second, 25586  
the total charge shall be divided by the number of precincts 25587  
participating in such election, in order to fix the cost per 25588  
precinct; third, the cost per precinct shall be prorated by the 25589  
board of elections to the subdivisions conducting elections for 25590  
the nomination or election of offices in such precinct; fourth, 25591  
the total cost for each subdivision shall be determined by adding 25592  
the charges prorated to it in each precinct within the 25593  
subdivision. 25594

(D) The entire cost of special elections held on a day other 25595  
than the day of a primary or general election, both in 25596  
odd-numbered or in even-numbered years, shall be charged to the 25597  
subdivision. Where a special election is held on the same day as a 25598  
primary or general election in an even-numbered year, the 25599  
subdivision submitting the special election shall be charged only 25600  
for the cost of ballots and advertising. Where a special election 25601  
is held on the same day as a primary or general election in an 25602  
odd-numbered year, the subdivision submitting the special election 25603  
shall be charged for the cost of ballots and advertising for such 25604  
special election, in addition to the charges prorated to such 25605  
subdivision for the election or nomination of candidates in each 25606  
precinct within the subdivision, as set forth in the preceding 25607  
paragraph. 25608

(E) Where a special election is held on the day specified by 25609  
division (E) of section 3501.01 of the Revised Code for the 25610  
holding of a primary election, for the purpose of submitting to 25611  
the voters of the state constitutional amendments proposed by the 25612  
general assembly, and a subdivision conducts a special election on 25613  
the same day, the entire cost of the special election shall be 25614  
divided proportionally between the state and the subdivision based 25615  
upon a ratio determined by the number of issues placed on the 25616  
ballot by each, except as otherwise provided in division (G) of 25617

this section. Such proportional division of cost shall be made 25618  
only to the extent funds are available for such purpose from 25619  
amounts appropriated by the general assembly to the secretary of 25620  
state. If a primary election is also being conducted in the 25621  
subdivision, the costs shall be apportioned as otherwise provided 25622  
in this section. 25623

(F) When a precinct is open during a general, primary, or 25624  
special election solely for the purpose of submitting to the 25625  
voters a statewide ballot issue, the state shall bear the entire 25626  
cost of the election in that precinct and shall reimburse the 25627  
county for all expenses incurred in opening the precinct. 25628

(G) The state shall bear the entire cost of advertising in 25629  
newspapers statewide ballot issues, explanations of those issues, 25630  
and arguments for or against those issues, as required by Section 25631  
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 25632  
and any other section of law and shall reimburse the counties for 25633  
all expenses they incur for such advertising. 25634

(H) The cost of renting, heating, and lighting registration 25635  
places; the cost of the necessary books, forms, and supplies for 25636  
the conduct of registration; and the cost of printing and posting 25637  
precinct registration lists shall be charged to the subdivision in 25638  
which such registration is held. 25639

(I) As used in this section, ~~"statewide:~~ 25640

(1) "Political subdivision" and "subdivision" mean any board 25641  
of county commissioners, board of township trustees, legislative 25642  
authority of a municipal corporation, board of education, or any 25643  
other board, commission, district, or authority that is empowered 25644  
to levy taxes or permitted to receive the proceeds of a tax levy, 25645  
regardless of whether the entity receives tax settlement moneys as 25646  
described in division (A) of this section; 25647

(2) "Statewide ballot issue" means any ballot issue, whether 25648

proposed by the general assembly or by initiative or referendum, 25649  
that is submitted to the voters throughout the state. 25650

Sec. 3701.135. (A) The autism diagnosis education pilot 25651  
program is hereby established in the department of health. The 25652  
program shall have the following goals: 25653

(1) To educate health care professionals, teachers and other 25654  
educational personnel, child care providers, parents, early 25655  
intervention and developmental disabilities providers, and other 25656  
community-based services providers in this state regarding the 25657  
diagnosis of autism spectrum disorders, including the range of 25658  
symptoms that may indicate autism spectrum disorders and screening 25659  
tools; 25660

(2) To promote appropriate standards for the diagnosis of 25661  
autism spectrum disorders in children, including screening tools 25662  
and treatment planning for children diagnosed with autism spectrum 25663  
disorders; 25664

(3) To encourage physicians and other health care 25665  
professionals with expertise in screening, diagnosing, and 25666  
treating autism spectrum disorders to share that information with 25667  
other health care professionals in this state; 25668

(4) To encourage the regional coordination of services to 25669  
facilitate the effective, timely treatment of children diagnosed 25670  
with autism spectrum disorders. 25671

(B) The director of health shall contract with a public or 25672  
private entity to conduct or administer the autism diagnosis 25673  
education pilot program. 25674

**Sec. 3701.74. (A) As used in this section and section 25675**  
3701.741 of the Revised Code: 25676

(1) "Ambulatory care facility" means a facility that provides 25677

medical, diagnostic, or surgical treatment to patients who do not 25678  
require hospitalization, including a dialysis center, ambulatory 25679  
surgical facility, cardiac catheterization facility, diagnostic 25680  
imaging center, extracorporeal shock wave lithotripsy center, home 25681  
health agency, inpatient hospice, birthing center, radiation 25682  
therapy center, emergency facility, and an urgent care center. 25683  
"Ambulatory care facility" does not include the private office of 25684  
a physician or dentist, whether the office is for an individual or 25685  
group practice. 25686

(2) "Chiropractor" means an individual licensed under Chapter 25687  
4734. of the Revised Code to practice chiropractic. 25688

(3) "Emergency facility" means a hospital emergency 25689  
department or any other facility that provides emergency medical 25690  
services. 25691

(4) "Health care practitioner" means all of the following: 25692

(a) A dentist or dental hygienist licensed under Chapter 25693  
4715. of the Revised Code; 25694

(b) A registered or licensed practical nurse licensed under 25695  
Chapter 4723. of the Revised Code; 25696

(c) An optometrist licensed under Chapter 4725. of the 25697  
Revised Code; 25698

(d) A dispensing optician, spectacle dispensing optician, 25699  
contact lens dispensing optician, or spectacle-contact lens 25700  
dispensing optician licensed under Chapter 4725. of the Revised 25701  
Code; 25702

(e) A pharmacist licensed under Chapter 4729. of the Revised 25703  
Code; 25704

(f) A physician; 25705

(g) A physician assistant authorized under Chapter 4730. of 25706  
the Revised Code to practice as a physician assistant; 25707

(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	25708 25709
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	25710 25711
(j) A chiropractor;	25712
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	25713 25714
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	25715 25716
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	25717 25718
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	25719 25720
(o) A professional clinical counselor, professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	25721 25722 25723 25724
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	25725 25726
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	25727 25728
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	25729 25730 25731
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	25732 25733 25734
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	25735 25736

(7) "Long-term care facility" means a nursing home, 25737  
residential care facility, or home for the aging, as those terms 25738  
are defined in section 3721.01 of the Revised Code; an adult care 25739  
facility, as defined in section 3722.01 of the Revised Code; a 25740  
nursing facility or intermediate care facility for the mentally 25741  
retarded, as those terms are defined in section 5111.20 of the 25742  
Revised Code; a facility or portion of a facility certified as a 25743  
skilled nursing facility under Title XVIII of the "Social Security 25744  
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 25745

(8) "Medical record" means data in any form that pertains to 25746  
a patient's medical history, diagnosis, prognosis, or medical 25747  
condition and that is generated and maintained by a health care 25748  
provider in the process of the patient's health care treatment. 25749

(9) "Medical records company" means a person who stores, 25750  
locates, or copies medical records for a health care provider, or 25751  
is compensated for doing so by a health care provider, and charges 25752  
a fee for providing medical records to a patient or patient's 25753  
representative. 25754

(10) "Patient" means either of the following: 25755

(a) An individual who received health care treatment from a 25756  
health care provider; 25757

(b) A guardian, as defined in section 1337.11 of the Revised 25758  
Code, of an individual described in division (A)(10)(a) of this 25759  
section. 25760

(11) "Patient's personal representative" means a minor 25761  
patient's parent or other person acting in loco parentis, a 25762  
court-appointed guardian, or a person with durable power of 25763  
attorney for health care for a patient, the executor or 25764  
administrator of the patient's estate, or the person responsible 25765  
for the patient's estate if it is not to be probated. "Patient's 25766  
personal representative" does not include an insurer authorized 25767

under Title XXXIX of the Revised Code to do the business of 25768  
sickness and accident insurance in this state, a health insuring 25769  
corporation holding a certificate of authority under Chapter 1751. 25770  
of the Revised Code, or any other person not named in this 25771  
division. 25772

(12) "Pharmacy" has the same meaning as in section 4729.01 of 25773  
the Revised Code. 25774

(13) "Physician" means a person authorized under Chapter 25775  
4731. of the Revised Code to practice medicine and surgery, 25776  
osteopathic medicine and surgery, or podiatric medicine and 25777  
surgery. 25778

(14) "Authorized person" means a person to whom a patient has 25779  
given written authorization to act on the patient's behalf 25780  
regarding the patient's medical record. 25781

(B) A patient, a patient's personal representative or an 25782  
authorized person who wishes to examine or obtain a copy of part 25783  
or all of a medical record shall submit to the health care 25784  
provider a written request signed by the patient, personal 25785  
representative, or authorized person dated not more than ~~sixty~~ 25786  
~~days~~ one year before the date on which it is submitted. The 25787  
request shall indicate whether the copy is to be sent to the 25788  
requestor, physician or chiropractor,  $\tau$  or held for the requestor 25789  
at the office of the health care provider. Within a reasonable 25790  
time after receiving a request that meets the requirements of this 25791  
division and includes sufficient information to identify the 25792  
record requested, a health care provider that has the patient's 25793  
medical records shall permit the patient to examine the record 25794  
during regular business hours without charge or, on request, shall 25795  
provide a copy of the record in accordance with section 3701.741 25796  
of the Revised Code, except that if a physician or chiropractor 25797  
who has treated the patient determines for clearly stated 25798  
treatment reasons that disclosure of the requested record is 25799

likely to have an adverse effect on the patient, the health care 25800  
provider shall provide the record to a physician or chiropractor 25801  
designated by the patient. The health care provider shall take 25802  
reasonable steps to establish the identity of the person making 25803  
the request to examine or obtain a copy of the patient's record. 25804

(C) If a health care provider fails to furnish a medical 25805  
record as required by division (B) of this section, the patient, 25806  
personal representative, or authorized person who requested the 25807  
record may bring a civil action to enforce the patient's right of 25808  
access to the record. 25809

(D)(1) This section does not apply to medical records whose 25810  
release is covered by section 173.20 or 3721.13 of the Revised 25811  
Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. 25812  
part 2, "Confidentiality of Alcohol and Drug Abuse Patient 25813  
Records," or by 42 C.F.R. 483.10. 25814

(2) Nothing in this section is intended to supersede the 25815  
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 25816  
and 2305.252 of the Revised Code. 25817

**Sec. 3701.741.** (A) Through December 31, 2008, each health 25818  
care provider and medical records company shall provide copies of 25819  
medical records in accordance with this section. 25820

(B) Except as provided in divisions (C) and (E) of this 25821  
section, a health care provider or medical records company that 25822  
receives a request for a copy of a patient's medical record shall 25823  
charge not more than the amounts set forth in this section. 25824

(1) If the request is made by the patient or the patient's 25825  
personal representative, total costs for copies and all services 25826  
related to those copies shall not exceed the sum of the following: 25827

(a) With respect to data recorded on paper, the following 25828  
amounts: 25829



(i) Two dollars and fifty cents per page for the first ten pages;	25830 25831
(ii) Fifty-one cents per page for pages eleven through fifty;	25832
(iii) Twenty cents per page for pages fifty-one and higher;	25833
(b) With respect to data recorded other than on paper, one dollar and seventy cents per page;	25834 25835
(c) The actual cost of any related postage incurred by the health care provider or medical records company.	25836 25837
(2) If the request is made other than by the patient or the patient's personal representative, total costs for copies and all services related to those copies shall not exceed the sum of the following:	25838 25839 25840 25841
(a) An initial fee of fifteen dollars and thirty-five cents, which shall compensate for the records search;	25842 25843
(b) With respect to data recorded on paper, the following amounts:	25844 25845
(i) One dollar and two cents per page for the first ten pages;	25846 25847
(ii) Fifty-one cents per page for pages eleven through fifty;	25848
(iii) Twenty cents per page for pages fifty-one and higher.	25849
(c) With respect to data recorded other than on paper, one dollar and seventy cents per page;	25850 25851
(d) The actual cost of any related postage incurred by the health care provider or medical records company.	25852 25853
(C)(1) A health care provider or medical records company shall provide one copy without charge to the following:	25854 25855
(a) The bureau of workers' compensation, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters;	25856 25857 25858

(b) The industrial commission, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters;	25859 25860 25861
(c) The department of job and family services <u>or a county department of job and family services</u> , in accordance with <del>Chapter</del> <u>Chapters</u> 5101. and 5111. of the Revised Code and the rules adopted under those chapters;	25862 25863 25864 25865
(d) The attorney general, in accordance with sections 2743.51 to 2743.72 of the Revised Code and any rules that may be adopted under those sections;	25866 25867 25868
(e) A patient or patient's personal representative if the medical record is necessary to support a claim under Title II or Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, and the request is accompanied by documentation that a claim has been filed.	25869 25870 25871 25872 25873
(2) Nothing in division (C)(1) of this section requires a health care provider or medical records company to provide a copy without charge to any person or entity not listed in division (C)(1) of this section.	25874 25875 25876 25877
(D) Division (C) of this section shall not be construed to supersede any rule of the bureau of workers' compensation, the industrial commission, or the department of job and family services.	25878 25879 25880 25881
(E) A health care provider or medical records company may enter into a contract with either of the following for the copying of medical records at a fee other than as provided in division (B) of this section:	25882 25883 25884 25885
(1) A patient, a patient's personal representative, or an authorized person;	25886 25887
(2) An insurer authorized under Title XXXIX of the Revised	25888

Code to do the business of sickness and accident insurance in this 25889  
state or health insuring corporations holding a certificate of 25890  
authority under Chapter 1751. of the Revised Code. 25891

(F) This section does not apply to medical records the 25892  
copying of which is covered by section 173.20 of the Revised Code 25893  
or by 42 C.F.R. 483.10. 25894

**Sec. 3701.83.** (A) There is hereby created in the state 25895  
treasury the general operations fund. Moneys in the fund shall be 25896  
used for the purposes specified in sections 3701.04, 3701.344, 25897  
3702.20, 3710.15, 3711.021, 3717.45, ~~3718.06~~, 3721.02, 3722.04, 25898  
3729.07, 3733.04, 3733.25, 3733.43, 3748.04, 3748.05, 3748.07, 25899  
3748.12, 3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 25900  
of the Revised Code. 25901

(B) The alcohol testing program fund is hereby created in the 25902  
state treasury. The director of health shall use the fund to 25903  
administer and enforce the alcohol testing and permit program 25904  
authorized by section 3701.143 of the Revised Code. 25905

The fund shall receive transfers from the liquor control fund 25906  
created under section 4301.12 of the Revised Code. All investment 25907  
earnings of the alcohol testing program fund shall be credited to 25908  
the fund. 25909

**Sec. 3702.52.** The director of health shall administer a state 25910  
certificate of need program in accordance with sections 3702.51 to 25911  
3702.62 of the Revised Code and rules adopted under those 25912  
sections. 25913

(A) The director shall issue rulings on whether a particular 25914  
proposed project is a reviewable activity. The director shall 25915  
issue a ruling not later than forty-five days after receiving a 25916  
request for a ruling accompanied by the information needed to make 25917  
the ruling. If the director does not issue a ruling in that time, 25918

the project shall be considered to have been ruled not a 25919  
reviewable activity. 25920

(B) The director shall review applications for certificates 25921  
of need. Each application shall be submitted to the director on 25922  
forms prescribed by the director, shall include all information 25923  
required by rules adopted under division (B) of section 3702.57 of 25924  
the Revised Code, and shall be accompanied by the application fee 25925  
established in rules adopted under division (G) of that section. 25926  
Application 25927

Application fees received by the director under this division 25928  
shall be deposited into the state treasury to the credit of the 25929  
certificate of need fund, which is hereby created. The director 25930  
shall use the fund only to pay the costs of administering sections 25931  
3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised 25932  
Code and rules adopted under those sections. 25933

The director shall mail to the applicant a written notice 25934  
that the application meets the criteria for a complete application 25935  
specified in rules adopted under section 3702.57 of the Revised 25936  
Code, or a written request for additional information, not later 25937  
than ~~fifteen~~ thirty days after receiving an application or a 25938  
response to an earlier request for information. The director shall 25939  
not make more than two requests for additional information. 25940

The director may conduct a public informational hearing in 25941  
the course of reviewing any application for a certificate of need, 25942  
and shall conduct one if requested to do so by any affected person 25943  
not later than fifteen days after the director mails the notice 25944  
that the application is complete. The hearing shall be conducted 25945  
in the community in which the activities authorized by the 25946  
certificate of need would be carried out. Any affected person may 25947  
testify at the hearing. The director may, with the health service 25948  
agency's consent, designate a health service agency to conduct the 25949  
hearing. 25950

Except during a public hearing or as necessary to comply with a subpoena issued under division (F) of this section, after a notice of completeness has been received, no person shall knowingly discuss in person or by telephone the merits of the application with the director. If one or more persons request a meeting in person or by telephone, the director shall make a reasonable effort to invite interested parties to the meeting or conference call.

~~(C) Divisions (C)(1) to (7) of this section apply to certificate of need applications for which the director had not issued a written decision prior to April 20, 1995, unless the director was required, under the version of this section in effect immediately prior to June 30, 1995, to grant a certificate of need prior to June 30, 1995, because of a lack of written objections from any affected person. Divisions (C)(1) to (7) of this section do not invalidate any certificate of need that the director was required to grant prior to June 30, 1995, under that circumstance.~~

~~(1) The All of the following apply to the process of granting or denying a certificate of need:~~

~~(1) If the project proposed in a certificate of need application 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 director shall grant a certificate of need for the entire project that is the subject of the application immediately after both of the following conditions are met:~~

~~(a) The board of trustees of the health service agency of the health service area in which the reviewable activity is proposed to be conducted recommends, prior to the deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, that the certificate of need be granted;~~

(b) The director ~~receives no~~ does not receive any written 25983  
objections to the application from any affected person by the 25984  
~~later of May 20, 1995, or thirty days~~ thirtieth day after the 25985  
director mails the notice of completeness. 25986

(2) In the case of certificate of need applications under 25987  
comparative review, if the projects proposed in the applications 25988  
meet all of the applicable certificate of need criteria for 25989  
approval under sections 3702.51 to 3702.62 of the Revised Code and 25990  
the rules adopted under those sections, the director shall grant 25991  
certificates of need for the entire projects that are the subject 25992  
of the applications immediately after both of the following 25993  
conditions are met: 25994

(a) The board of trustees of the health service agency of 25995  
each health service area in which the reviewable activities are 25996  
proposed to be conducted recommends, prior to the deadline 25997  
specified in division (C)(4) of this section or any extension of 25998  
it under division (C)(5) of this section, that certificates of 25999  
need be granted for each of the reviewable activities to be 26000  
conducted in its health service area; 26001

(b) The director ~~receives no~~ does not receive any written 26002  
objections to any of the applications from any affected person by 26003  
the ~~later of May 20, 1995, or thirty days~~ thirtieth day after the 26004  
director mails the last notice of completeness. 26005

The director's grant of a certificate of need under division 26006  
(C)(1) or (2) of this section does not affect, and sets no 26007  
precedent for, the director's decision to grant or deny other 26008  
applications for similar reviewable activities proposed to be 26009  
conducted in the same or different health service areas. 26010

(3) If the director receives written objections to an 26011  
application from any affected person by the ~~later of May 20, 1995,~~ 26012  
~~or thirty days~~ thirtieth day after mailing the notice of 26013

completeness, regardless of the health service agency's 26014  
recommendation, the director shall notify the applicant and assign 26015  
a hearing examiner to conduct an adjudication hearing concerning 26016  
the application in accordance with Chapter 119. of the Revised 26017  
Code. In the case of applications under comparative review, if the 26018  
director receives written objections to any of the applications 26019  
from any affected person by the ~~later of May 20, 1995, or thirty~~ 26020  
~~days~~ thirtieth day after the director mails the last notice of 26021  
completeness, regardless of the health service agencies' 26022  
recommendation, the director shall notify all of the applicants 26023  
and appoint a hearing examiner to conduct a consolidated 26024  
adjudication hearing concerning the applications in accordance 26025  
with Chapter 119. of the Revised Code. The hearing examiner shall 26026  
be employed by or under contract with the department of health. 26027

The adjudication hearings may be conducted in the health 26028  
service area in which the reviewable activity is proposed to be 26029  
conducted. Consolidated adjudication hearings for applications in 26030  
comparative review may be conducted in the geographic region in 26031  
which all of the reviewable activities will be conducted. The 26032  
applicant, the director, and the affected persons that filed 26033  
objections to the application shall be parties to the hearing. If 26034  
none of the affected persons that submitted written objections to 26035  
the application appears or prosecutes the hearing, the hearing 26036  
examiner shall dismiss the hearing and the director shall grant a 26037  
certificate of need for the entire project that is the subject of 26038  
the application if the proposed project meets all of the 26039  
applicable certificate of need criteria for approval under 26040  
sections 3702.51 to 3702.62 of the Revised Code and the rules 26041  
adopted under those sections. The affected persons bear the burden 26042  
of proving by a preponderance of evidence that the project is not 26043  
needed or that granting the certificate would not be in accordance 26044  
with sections 3702.51 to 3702.62 of the Revised Code or the rules 26045  
adopted under ~~section 3702.57 of the Revised Code~~ those sections. 26046

(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.

(6) No applicant in a comparative review may extend the deadline specified in division (C)(4) of this section.

(7) Except as provided in divisions (C)(1) and (2) of this section, the director may grant a certificate of need for all or part of the project that is the subject of an application. If the director does not grant or deny the certificate by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, the certificate shall be considered to have been granted. ~~The~~



~~director, in reviewing certificate of need applications for solid organ transplantation services, may ask for assistance from a statewide transplantation advisory group consisting of qualified professionals and administrators. Such consultation shall not cause the review period for any application to be extended beyond the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section.~~

~~(D)(8)~~ In granting a certificate of need, the director shall specify as the maximum capital expenditure the certificate holder may obligate under the certificate a figure equal to one hundred ten per cent of the approved project cost.

~~(E)(9)~~ In granting a certificate of need, the director may grant the certificate with conditions that must be met by the holder of the certificate.

(D) The director shall monitor the activities of persons granted certificates of need concerning long-term care beds during the period beginning with the granting of the certificate of need and ending five years after implementation of the activity for which the certificate was granted.

In the case of any other certificate of need, the director 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 26110  
director or the director's designee, which may include a health 26111  
service agency, may visit the sites where the activities are or 26112  
will be conducted. 26113

~~(G)~~(F) The director may withdraw certificates of need. 26114

~~(H)~~(G) The director shall conduct, on a regular basis, health 26115  
system data collection and analysis activities and prepare 26116  
reports. The director shall make recommendations based upon these 26117  
activities to the public health council concerning the adoption of 26118  
appropriate rules under section 3702.57 of the Revised Code. All 26119  
health care facilities and other health care providers shall 26120  
submit to the director, upon request, any information that is 26121  
necessary to conduct reviews of certificate of need applications 26122  
and to develop recommendations for criteria for reviews, and that 26123  
is prescribed by rules adopted under division (H) of section 26124  
3702.57 of the Revised Code. 26125

~~(I)~~(H) Any decision to grant or deny a certificate of need 26126  
shall consider the special needs and circumstances resulting from 26127  
moral and ethical values and the free exercise of religious rights 26128  
of health care facilities administered by religious organizations, 26129  
and the special needs and circumstances of children's hospitals, 26130  
inner city hospitals, and small rural hospitals. 26131

**Sec. 3702.5211.** Notwithstanding any conflicting provision of 26132  
sections 3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the 26133  
veterans' home operated under Chapter 5907. of the Revised Code 26134  
that is located in Sandusky, including the Secrest nursing home 26135  
and Giffin care facility, is not required to obtain a certificate 26136  
of need for the addition of up to fifty-two additional nursing 26137  
home beds to be licensed under Chapter 3721. of the Revised Code 26138  
if the additional beds are placed in service prior to June 30, 26139  
1999. 26140

**Sec. 3702.5212.** (A) This section applies to each long-term care facility that meets the following requirements:

(1) The facility has been in continuous operation for not less than one hundred twenty years prior to the effective date of this section;

(2) The facility is located in an inner city area;

(3) The facility is operating as a nonprofit entity organized under Chapter 1702. of the Revised Code or the nonprofit law of another state.

(B) Notwithstanding any conflicting provision of sections 3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the owner or operator of a long-term care facility described in division (A) of this section is not required to obtain a certificate of need for the addition of up to thirty long-term care beds to be licensed under Chapter 3721. of the Revised Code. The exemption shall apply only as long as the beds are owned and operated by the facility to which the exemption is granted.

**Sec. 3702.5213.** Notwithstanding any conflicting provision of sections 3702.51 to ~~3702.68~~ 3702.62 of the Revised Code, the veterans' home operated under Chapter 5907. of the Revised Code that is located in Brown county is not required to obtain a certificate of need for the addition of up to one hundred sixty-eight additional nursing home beds to be licensed under Chapter 3721. of the Revised Code if the additional beds are placed in service prior to December 31, 2004.

**Sec. 3702.57.** (A) The public health council shall adopt rules establishing procedures and criteria for reviews of applications for certificates of need and issuance, denial, or withdrawal of certificates.

(1) The rules shall require that, in addition to any other applicable review requirements of sections 3702.51 to 3702.62 of the Revised Code and rules adopted thereunder, any application for a certificate of need from an osteopathic hospital be reviewed on the basis of the need for and the availability in the community of services and hospitals for osteopathic physicians and their patients, and in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and doctors of medicine at the student, internship, and residency training levels.

(2) In adopting rules that establish criteria for reviews of applications of certificates of need, the council shall consider the availability of and need for long-term care beds to provide care and treatment to persons diagnosed as having traumatic brain injuries and shall prescribe criteria for reviewing applications that propose to add long-term care beds to provide care and treatment to persons diagnosed as having traumatic brain injuries.

(3) The criteria for reviews of applications for certificates of need shall relate to the need for the reviewable activity and shall pertain to all of the following matters:

(a) The impact of the reviewable activity on the cost and quality of health services in the relevant geographic area, including, but not limited, to the historical and projected utilization of the services to which the application pertains and the effect of the reviewable activity on utilization of other providers of similar services;

(b) The quality of the services to be provided as the result of the activity, as evidenced by the historical performance of the persons that will be involved in providing the services and by the provisions that are proposed in the application to ensure quality, including but not limited to adequate available personnel, available ancillary and support services, available equipment,

size and configuration of physical plant, and relations with other providers; 26202  
26203

(c) The impact of the reviewable activity on the availability and accessibility of the type of services proposed in the application to the population of the relevant geographic area, and the level of access to the services proposed in the application that will be provided to medically underserved individuals such as recipients of public assistance and individuals who have no health insurance or whose health insurance is insufficient; 26204  
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(d) The activity's short- and long-term financial feasibility and cost-effectiveness, the impact of the activity on the applicant's costs and charges, and a comparison of the applicant's costs and charges with those of providers of similar services in the applicant's proposed service area; 26211  
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(e) The advantages, disadvantages, and costs of alternatives to the reviewable activity; 26216  
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(f) The impact of the activity on all other providers of similar services in the health service area or other relevant geographic area, including the impact on their utilization, market share, and financial status; 26218  
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(g) The historical performance of the applicant and related or affiliated parties in complying with previously granted certificates of need and any applicable certification, accreditation, or licensure requirements; 26222  
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(h) The relationship of the activity to the current edition of the state health resources plan issued under section 3702.521 of the Revised Code; 26226  
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(i) The historical performance of the applicant and related or affiliated parties in providing cost-effective health care services; 26229  
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(j) The special needs and circumstances of the applicant or population proposed to be served by the proposed project, including research activities, prevalence of particular diseases, unusual demographic characteristics, cost-effective contractual affiliations, and other special circumstances;

(k) The appropriateness of the zoning status of the proposed site of the activity;

(l) The participation by the applicant in research conducted by the United States food and drug administration or clinical trials sponsored by the national institutes of health.

(4) The criteria for reviews of applications may include formulas for determining need for beds and services.

(a) The criteria prescribing formulas shall not, either by themselves or in conjunction with any established occupancy guidelines, require, as a condition of being granted a certificate of need, that a hospital reduce its complement of registered beds or discontinue any service that is not related to the service or project for which the certificate of need is sought.

(b) With respect to applications to conduct reviewable activities that are affected directly by the inpatient occupancy of a health care facility, including addition, relocation, or recategorization of beds or renovation or other construction activities relating to inpatient services, the rules shall prescribe criteria for determining whether the scope of the proposed project is appropriate in light of the historical and reasonably projected occupancy rates for the beds related to the project.

(c) Any rules prescribing criteria that establish ratios of beds, services, or equipment to population shall specify the bases for establishing the ratios or mitigating factors or exceptions to the ratios.

(B) The council shall adopt rules specifying all of the following:	26263 26264
(1) Information that must be provided in applications for certificates of need, which shall include a plan for obligating the capital expenditure or implementing the proposed project on a timely basis in accordance with section 3702.525 of the Revised Code;	26265 26266 26267 26268 26269
(2) Procedures for reviewing applications for completeness of information;	26270 26271
(3) Criteria for determining that the application is complete.	26272 26273
(C) The council shall adopt rules specifying requirements that holders of certificates of need must meet in order for the certificates to remain valid and establishing definitions and requirements for obligation of capital expenditures and implementation of projects authorized by certificates of need.	26274 26275 26276 26277 26278
(D) The council shall adopt rules establishing criteria and procedures under which the director of health may withdraw a certificate of need if the holder fails to meet requirements for continued validity of the certificate.	26279 26280 26281 26282
(E) The council shall adopt rules establishing procedures under which the department of health shall monitor project implementation activities of holders of certificates of need. The rules adopted under this division also may establish procedures for monitoring implementation activities of persons that have received nonreviewability rulings.	26283 26284 26285 26286 26287 26288
(F) The council shall adopt rules establishing procedures under which the director of health shall review certificates of need whose holders exceed or appear likely to exceed an expenditure maximum specified in a certificate.	26289 26290 26291 26292

(G) The council shall adopt rules establishing certificate of need application fees sufficient to pay the costs incurred by the department for administering sections 3702.51 to 3702.62 of the Revised Code and to pay health service agencies for the functions they perform under division (D)(5) of section 3702.58 of the Revised Code. Unless rules are adopted under this division establishing different application fees, the application fee for a project not involving a capital expenditure shall be three thousand dollars and the application fee for a project involving a capital expenditure shall be nine-tenths of one per cent of the capital expenditure proposed subject to a minimum of three thousand dollars and a maximum of twenty thousand dollars.

(H) The council shall adopt rules specifying information that is necessary to conduct reviews of certificate of need applications and to develop recommendations for criteria for reviews that health care facilities and other health care providers are to submit to the director under division ~~(H)~~(G) of section 3702.52 of the Revised Code.

(I) The council shall adopt rules defining "affiliated person," "related person," and "ultimate controlling interest" for purposes of section 3702.524 of the Revised Code.

(J) The council shall adopt rules prescribing requirements for holders of certificates of need to demonstrate to the director under section 3702.526 of the Revised Code that reasonable progress is being made toward completion of the reviewable activity and establishing standards by which the director shall determine whether reasonable progress is being made.

(K) The council shall adopt rules defining high-risk cardiac catheterization patients. High-risk patients shall include patients with significant ischemic syndromes or unstable myocardial infarction, patients who need intervention such as angioplasty or bypass surgery, patients who may require difficult



or complex catheterization procedures such as transeptal 26325  
assessment of valvular dysfunction, patients with critical aortic 26326  
stenosis or congestive heart failure, and other patients specified 26327  
by the council. 26328

(L) The public health council shall adopt all rules under 26329  
divisions (A) to (K) of this section in accordance with Chapter 26330  
119. of the Revised Code. The council may adopt other rules as 26331  
necessary to carry out the purposes of sections 3702.51 to 3702.62 26332  
of the Revised Code. 26333

**Sec. ~~3702.68~~ 3702.59.** (A) Notwithstanding any conflicting 26334  
provision of sections 3702.51 to 3702.62 of the Revised Code, 26335  
other than the provisions of sections 3702.5210, 3702.5211, 26336  
3702.5212, and 3702.5213 of the Revised Code, both of the 26337  
following apply under the certificate of need program: 26338

(1) Divisions (B) to (E) of this section ~~applies~~ apply to the 26339  
review of certificate of need applications during the period 26340  
beginning July 1, 1993, and ending June 30, ~~2007~~ 2009. 26341

~~As used in this section, "existing health care facility" has~~ 26342  
~~the same meaning as in section 3702.51 of the Revised Code~~ (2) 26343  
Beginning July 1, 2009, the director of health shall not accept 26344  
for review under section 3702.52 of the Revised Code any 26345  
application for a certificate of need to recategorize hospital 26346  
beds as described in section 3702.522 of the Revised Code. 26347

(B)(1) Except as provided in division (B)(2) of this section, 26348  
the director of health shall neither grant nor deny any 26349  
application for a certificate of need submitted prior to July 1, 26350  
1993, if the application was for any of the following and the 26351  
director had not issued a written decision concerning the 26352  
application prior to that date: 26353

(a) Approval of beds in a new health care facility or an 26354

increase of beds in an existing health care facility, if the beds 26355  
are proposed to be licensed as nursing home beds under Chapter 26356  
3721. of the Revised Code; 26357

(b) Approval of beds in a new county home or new county 26358  
nursing home as defined in section 5155.31 of the Revised Code, or 26359  
an increase of beds in an existing county home or existing county 26360  
nursing home, if the beds are proposed to be certified as skilled 26361  
nursing facility beds under Title XVIII or nursing facility beds 26362  
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 26363  
42 U.S.C.A. 301, as amended; 26364

(c) Recategorization of hospital beds as described in section 26365  
3702.522 of the Revised Code, an increase of hospital beds 26366  
registered pursuant to section 3701.07 of the Revised Code as 26367  
long-term care beds or skilled nursing facility beds, or a 26368  
recategorization of hospital beds that would result in an increase 26369  
of beds registered pursuant to that section as long-term care beds 26370  
or skilled nursing facility beds. 26371

On July 1, 1993, the director shall return each such 26372  
application to the applicant and, notwithstanding section 3702.52 26373  
of the Revised Code regarding the uses of the certificate of need 26374  
fund, shall refund to the applicant the application fee paid under 26375  
that section. Applications returned under division (B)(1) of this 26376  
section may be resubmitted in accordance with section 3702.52 of 26377  
the Revised Code no sooner than July 1, ~~2007~~ 2009. 26378

(2) The director shall continue to review and shall issue a 26379  
decision regarding any application submitted prior to July 1, 26380  
1993, to increase beds for either of the purposes described in 26381  
division (B)(1)(a) or (b) of this section if the proposed increase 26382  
in beds is attributable solely to a replacement or relocation of 26383  
existing beds within the same county. The director shall authorize 26384  
under such an application no additional beds beyond those being 26385  
replaced or relocated. 26386

(C)(1) Except as provided in division (C)(2) of this section, 26387  
the director, during the period beginning July 1, 1993, and ending 26388  
June 30, ~~2007~~ 2009, shall not accept for review under section 26389  
3702.52 of the Revised Code any application for a certificate of 26390  
need for any of the purposes described in divisions (B)(1)(a) to 26391  
(c) of this section. 26392

(2)(a) The director shall accept for review any application 26393  
for either of the purposes described in division (B)(1)(a) or (b) 26394  
of this section if the proposed increase in beds is attributable 26395  
solely to a replacement or relocation of existing beds from an 26396  
existing health care facility within the same county. The director 26397  
shall authorize under such an application no additional beds 26398  
beyond those being replaced or relocated. 26399

The director shall not approve an application for a 26400  
certificate of need for addition of long-term care beds to an 26401  
existing health care facility by relocation of beds or for the 26402  
development of a new health care facility by relocation of beds 26403  
unless all of the following conditions are met: 26404

(i) The existing health care facility to which the beds are 26405  
being relocated has no waivers for life safety code ~~waivers~~ 26406  
deficiencies, no state fire code violations, and no state building 26407  
code violations, or the project identified in the application 26408  
proposes to correct all life safety code deficiencies for which a 26409  
waiver has been granted, all state fire code violations, and all 26410  
state building code violations at the existing health care 26411  
facility to which the beds are being relocated; 26412

(ii) During the sixty-month period preceding the filing of 26413  
the application, no notice of proposed revocation of the 26414  
facility's license was issued under section 3721.03 of the Revised 26415  
Code to the operator of the existing facility to which the beds 26416  
are being relocated or to any health care facility owned or 26417  
operated by the applicant or any principal participant in the same 26418

corporation or other business; 26419

(iii) Neither the existing health care facility to which the 26420  
beds are being relocated nor any health care facility owned or 26421  
operated by the applicant or any principal participant in the same 26422  
corporation or other business has had a long-standing pattern of 26423  
violations of this chapter or deficiencies that caused one or more 26424  
residents physical, emotional, mental, or psychosocial harm. 26425

(b) The director also shall accept for review any application 26426  
for the conversion of infirmary beds to long-term care beds if the 26427  
infirmary meets all of the following conditions: 26428

(i) Is operated exclusively by a religious order; 26429

(ii) Provides care exclusively to members of religious orders 26430  
who take vows of celibacy and live by virtue of their vows within 26431  
the orders as if related; 26432

(iii) Was providing care exclusively to members of such a 26433  
religious order on January 1, 1994. 26434

(D) The director shall issue a decision regarding any case 26435  
remanded by a court as the result of a decision issued by the 26436  
director prior to July 1, 1993, to grant, deny, or withdraw a 26437  
certificate of need for any of the purposes described in divisions 26438  
(B)(1)(a) to (c) of this section. 26439

(E) The director shall not project the need for beds listed 26440  
in division (B)(1) of this section for the period beginning July 26441  
1, 1993, and ending June 30, ~~2007~~ 2009. 26442

~~This section is an interim section effective until July 1,~~ 26443  
~~2007.~~ 26444

**Sec. ~~3702.63~~ 3702.591.** As specified in former Section 11 of 26445  
Am. Sub. S.B. 50 of the 121st general assembly, as amended by Am. 26446  
Sub. H.B. 405 of the 124th general assembly, all of the following 26447  
apply: 26448

(A) The removal of former divisions (E) and (F) of section 3702.52 of the Revised Code by Sections 1 and 2 of Am. Sub. S.B. 50 of the 121st general assembly does not release the holders of certificates of need issued under those divisions from complying with any conditions on which the granting of the certificates of need was based, including the requirement of former division (E)(6) of that section that the holders not enter into provider agreements under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for at least ten years following initial licensure of the long-term care facilities for which the certificates were granted.

(B) The repeal of section 3702.55 of the Revised Code by Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does not release the holders of certificates of need issued under that section from complying with any conditions on which the granting of the certificates of need was based, other than the requirement of division (A)(6) of that section that the holders not seek certification under Title XVIII of the "Social Security Act" for beds recategorized under the certificates. That repeal also does not eliminate the requirement that the director of health revoke the licensure of the beds under Chapter 3721. of the Revised Code if a person to which their ownership is transferred fails, as required by division (A)(6) of the repealed section, to file within ten days after the transfer a sworn statement not to seek certification under Title XIX of the "Social Security Act" for beds recategorized under the certificates of need.

(C) The repeal of section 3702.56 of the Revised Code by Section 2 of Am. Sub. S.B. 50 of the 121st general assembly does not release the holders of certificates of need issued under that section from complying with any conditions on which the granting of the certificates of need was based.

Sec. 3704.03. The director of environmental protection may do	26481
any of the following:	26482
(A) Develop programs for the prevention, control, and	26483
abatement of air pollution;	26484
(B) Advise, consult, contract, and cooperate with any	26485
governmental or private agency in the furtherance of the purposes	26486
of this chapter;	26487
(C) Encourage, participate in, or conduct studies,	26488
investigations, and research relating to air pollution, collect	26489
and disseminate information, and conduct education and training	26490
programs relating to the causes, prevention, control, and	26491
abatement of air pollution;	26492
(D) Adopt, modify, and rescind rules prescribing ambient air	26493
quality standards for the state as a whole or for various areas of	26494
the state that are consistent with and no more stringent than the	26495
national ambient air quality standards in effect under the federal	26496
Clean Air Act;	26497
(E) Adopt, modify, suspend, and rescind rules for the	26498
prevention, control, and abatement of air pollution, including	26499
rules prescribing for the state as a whole or for various areas of	26500
the state emission standards for air contaminants, and other	26501
necessary rules for the purpose of achieving and maintaining	26502
compliance with ambient air quality standards in all areas within	26503
the state as expeditiously as practicable, but not later than any	26504
deadlines applicable under the federal Clean Air Act; rules for	26505
the prevention or control of the emission of hazardous or toxic	26506
air contaminants; rules prescribing fugitive dust limitations and	26507
standards that are related, on an areawide basis, to attainment	26508
and maintenance of ambient air quality standards; rules	26509
prescribing shade, density, or opacity limitations and standards	26510
for emissions, provided that with regard to air contaminant	26511

sources for which there are particulate matter emission standards 26512  
in addition to a shade, density, or opacity rule, upon 26513  
demonstration by such a source of compliance with those other 26514  
standards, the shade, density, or opacity rule shall provide for 26515  
establishment of a shade, density, or opacity limitation for that 26516  
source that does not require the source to reduce emissions below 26517  
the level specified by those other standards; rules for the 26518  
prevention or control of odors and air pollution nuisances; rules 26519  
that prevent significant deterioration of air quality to the 26520  
extent required by the federal Clean Air Act; rules for the 26521  
protection of visibility as required by the federal Clean Air Act; 26522  
and rules prescribing open burning limitations and standards. In 26523  
adopting, modifying, suspending, or rescinding any such rules, the 26524  
director, to the extent consistent with the federal Clean Air Act, 26525  
shall hear and give consideration to evidence relating to all of 26526  
the following: 26527

(1) Conditions calculated to result from compliance with the 26528  
rules, the overall cost within this state of compliance with the 26529  
rules, and their relation to benefits to the people of the state 26530  
to be derived from that compliance; 26531

(2) The quantity and characteristics of air contaminants, the 26532  
frequency and duration of their presence in the ambient air, and 26533  
the dispersion and dilution of those contaminants; 26534

(3) Topography, prevailing wind directions and velocities, 26535  
physical conditions, and other factors that may or may combine to 26536  
affect air pollution. 26537

Consistent with division (K) of section 3704.036 of the 26538  
Revised Code, the director shall consider alternative emission 26539  
limits proposed by the owner or operator of an air contaminant 26540  
source that is subject to an emission limit established in rules 26541  
adopted under this division and shall accept those alternative 26542  
emission limits that the director determines to be equivalent to 26543

emission limits established in rules adopted under this division. 26544

(F)(1) Adopt, modify, suspend, and rescind rules consistent 26545  
with the purposes of this chapter prohibiting the location, 26546  
installation, construction, or modification of any air contaminant 26547  
source or any machine, equipment, device, apparatus, or physical 26548  
facility intended primarily to prevent or control the emission of 26549  
air contaminants unless an installation permit therefor has been 26550  
obtained from the director or the director's authorized 26551  
representative. 26552

(2) Applications for installation permits shall be 26553  
accompanied by plans, specifications, construction schedules, and 26554  
such other pertinent information and data, including data on 26555  
ambient air quality impact and a demonstration of best available 26556  
technology, as the director may require. Installation permits 26557  
shall be issued for a period specified by the director and are 26558  
transferable. The director shall specify in each permit the 26559  
applicable emission standards and that the permit is conditioned 26560  
upon payment of the applicable fees as required by section 3745.11 26561  
of the Revised Code and upon the right of the director's 26562  
authorized representatives to enter upon the premises of the 26563  
person to whom the permit has been issued, at any reasonable time 26564  
and subject to safety requirements of the person in control of the 26565  
premises, for the purpose of determining compliance with such 26566  
standards, this chapter, the rules adopted thereunder, and the 26567  
conditions of any permit, variance, or order issued thereunder. 26568  
Each proposed new or modified air contaminant source shall provide 26569  
such notice of its proposed installation or modification to other 26570  
states as is required under the federal Clean Air Act. 26571  
Installation permits shall include the authorization to operate 26572  
sources installed and operated in accordance with terms and 26573  
conditions of the installation permits for a period not to exceed 26574  
one year from commencement of operation, which authorization shall 26575



constitute an operating permit under division (G) of this section 26576  
and rules adopted under it. 26577

No installation permit shall be required for activities that 26578  
are subject to and in compliance with a plant-wide applicability 26579  
limit issued by the director in accordance with rules adopted 26580  
under this section. 26581

No installation permit shall be issued except in accordance 26582  
with all requirements of this chapter and rules adopted 26583  
thereunder. No application shall be denied or permit revoked or 26584  
modified without a written order stating the findings upon which 26585  
denial, revocation, or modification is based. A copy of the order 26586  
shall be sent to the applicant or permit holder by certified mail. 26587

(3) Not later than two years after ~~the effective date of this~~ 26588  
~~amendment~~ August 3, 2006, the director shall adopt a rule in 26589  
accordance with Chapter 119. of the Revised Code specifying that a 26590  
permit to install is required only for new or modified air 26591  
contaminant sources that emit any of the following air 26592  
contaminants: 26593

(a) An air contaminant or precursor of an air contaminant for 26594  
which a national ambient air quality standard has been adopted 26595  
under the federal Clean Air Act; 26596

(b) An air contaminant for which the air contaminant source 26597  
is regulated under the federal Clean Air Act; 26598

(c) An air contaminant that presents, or may present, through 26599  
inhalation or other routes of exposure, a threat of adverse human 26600  
health effects, including, but not limited to, substances that are 26601  
known to be, or may reasonably be anticipated to be, carcinogenic, 26602  
mutagenic, teratogenic, or neurotoxic, that cause reproductive 26603  
dysfunction, or that are acutely or chronically toxic, or a threat 26604  
of adverse environmental effects whether through ambient 26605  
concentrations, bioaccumulation, deposition, or otherwise, and 26606

that is identified in the rule by chemical name and chemical  
abstract service number.

The director may modify the rule adopted under division  
(F)(3)(c) of this section for the purpose of adding or deleting  
air contaminants. For each air contaminant that is contained in or  
deleted from the rule adopted under division (F)(3)(c) of this  
section, the director shall include in a notice accompanying any  
proposed or final rule an explanation of the director's  
determination that the air contaminant meets the criteria  
established in that division and should be added to, or no longer  
meets the criteria and should be deleted from, the list of air  
contaminants. The explanation shall include an identification of  
the scientific evidence on which the director relied in making the  
determination. Until adoption of the rule under division (F)(3)(c)  
of this section, nothing shall affect the director's authority to  
issue, deny, modify, or revoke permits to install under this  
chapter and rules adopted under it.

(4)(a) Applications for permits to install new or modified  
air contaminant sources shall contain sufficient information  
regarding air contaminants for which the director may require a  
permit to install to determine conformity with the environmental  
protection agency's document entitled "Review of New Sources of  
Air Toxics Emissions, Option A," dated May 1986, which the  
director shall use to evaluate toxic emissions from new or  
modified air contaminant sources. The director shall make copies  
of the document available to the public upon request at no cost  
and post the document on the environmental protection agency's web  
site. Any inconsistency between the document and division (F)(4)  
of this section shall be resolved in favor of division (F)(4) of  
this section.

(b) The maximum acceptable ground level concentration of an  
air contaminant shall be calculated in accordance with the

document entitled "Review of New Sources of Air Toxics Emissions, 26639  
Option A." Modeling shall be conducted to determine the increase 26640  
in the ground level concentration of an air contaminant beyond the 26641  
facility's boundary caused by the emissions from a new or modified 26642  
source that is the subject of an application for a permit to 26643  
install. Modeling shall be based on the maximum hourly rate of 26644  
emissions from the source using information including, but not 26645  
limited to, any emission control devices or methods, operational 26646  
restrictions, stack parameters, and emission dispersion devices or 26647  
methods that may affect ground level concentrations, either 26648  
individually or in combination. The director shall determine 26649  
whether the activities for which a permit to install is sought 26650  
will cause an increase in the ground level concentration of one or 26651  
more relevant air contaminants beyond the facility's boundary by 26652  
an amount in excess of the maximum acceptable ground level 26653  
concentration. In making the determination as to whether the 26654  
maximum acceptable ground level concentration will be exceeded, 26655  
the director shall give consideration to the modeling conducted 26656  
under division (F)(4)(b) of this section and other relevant 26657  
information submitted by the applicant. 26658

(c) If the modeling conducted under division (F)(4)(b) of 26659  
this section with respect to an application for a permit to 26660  
install demonstrates that the maximum ground level concentration 26661  
from a new or modified source will be greater than or equal to 26662  
eighty per cent, but less than one hundred per cent of the maximum 26663  
acceptable ground level concentration for an air contaminant, the 26664  
director may establish terms and conditions in the permit to 26665  
install for the air contaminant source that will require the owner 26666  
or operator of the air contaminant source to maintain emissions of 26667  
that air contaminant commensurate with the modeled level, which 26668  
shall be expressed as allowable emissions per day. In order to 26669  
calculate the allowable emissions per day, the director shall 26670  
multiply the hourly emission rate modeled under division (F)(4)(b) 26671

of this section to determine the ground level concentration by the 26672  
operating schedule that has been identified in the permit to 26673  
install application. Terms and conditions imposed under division 26674  
(F)(4)(c) of this section are not federally enforceable 26675  
requirements and, if included in a Title V permit, shall be placed 26676  
in the portion of the permit that is only enforceable by the 26677  
state. 26678

(d) If the modeling conducted under division (F)(4)(b) of 26679  
this section with respect to an application for a permit to 26680  
install demonstrates that the maximum ground level concentration 26681  
from a new or modified source will be less than eighty per cent of 26682  
the maximum acceptable ground level concentration, the owner or 26683  
operator of the source annually shall report to the director, on a 26684  
form prescribed by the director, whether operations of the source 26685  
are consistent with the information regarding the operations that 26686  
was used to conduct the modeling with regard to the permit to 26687  
install application. The annual report to the director shall be in 26688  
lieu of an emission limit or other permit terms and conditions 26689  
imposed pursuant to division (F)(4) of this section. The director 26690  
may consider any significant departure from the operations of the 26691  
source described in the permit to install application that results 26692  
in greater emissions than the emissions rate modeled to determine 26693  
the ground level concentration as a modification and require the 26694  
owner or operator to submit a permit to install application for 26695  
the increased emissions. The requirements established in division 26696  
(F)(4)(d) of this section are not federally enforceable 26697  
requirements and, if included in a Title V permit, shall be placed 26698  
in the portion of the permit that is only enforceable by the 26699  
state. 26700

(e) Division (F)(4) of this section and the document entitled 26701  
"Review of New Sources of Air Toxics Emissions, Option A" shall 26702  
not be included in the state implementation plan under section 110 26703

of the federal Clean Air Act and do not apply to an air 26704  
contaminant source that is subject to a maximum achievable control 26705  
technology standard or residual risk standard under section 112 of 26706  
the federal Clean Air Act, to a particular air contaminant 26707  
identified under 40 C.F.R. 51.166, division (b)(23), for which the 26708  
director has determined that the owner or operator of the source 26709  
is required to install best available control technology for that 26710  
particular air contaminant, or to a particular air contaminant for 26711  
which the director has determined that the source is required to 26712  
meet the lowest achievable emission rate, as defined in 40 C.F.R. 26713  
part 51, Appendix S, for that particular air contaminant. 26714

(f)(i) Division (F)(4) of this section and the document 26715  
entitled "Review of New Sources of Air Toxics Emissions, Option A" 26716  
do not apply to parking lots, storage piles, storage tanks, 26717  
transfer operations, grain silos, grain dryers, emergency 26718  
generators, gasoline dispensing operations, air contaminant 26719  
sources that emit air contaminants solely from the combustion of 26720  
fossil fuels, or the emission of wood dust, sand, glass dust, coal 26721  
dust, silica, and grain dust. 26722

(ii) Notwithstanding division (F)(4)(f)(i) of this section, 26723  
the director may require an individual air contaminant source that 26724  
is within one of the source categories identified in division 26725  
(F)(4)(f)(i) of this section to submit information in an 26726  
application for a permit to install a new or modified source in 26727  
order to determine the source's conformity to the document if the 26728  
director has information to conclude that the particular new or 26729  
modified source will potentially cause an increase in ground level 26730  
concentration beyond the facility's boundary that exceeds the 26731  
maximum acceptable ground level concentration as set forth in the 26732  
document. 26733

(iii) The director may adopt rules in accordance with Chapter 26734  
119. of the Revised Code that are consistent with the purposes of 26735

this chapter and that add to or delete from the source category 26736  
exemptions established in division (F)(4)(f)(i) of this section. 26737

(5) Not later than one year after ~~the effective date of this~~ 26738  
~~amendment~~ August 3, 2006, the director shall adopt rules in 26739  
accordance with Chapter 119. of the Revised Code specifying 26740  
activities that do not, by themselves, constitute beginning actual 26741  
construction activities related to the installation or 26742  
modification of an air contaminant source for which a permit to 26743  
install is required such as the grading and clearing of land, 26744  
on-site storage of portable parts and equipment, and the 26745  
construction of foundations or buildings that do not themselves 26746  
emit air contaminants. The rules also shall allow specified 26747  
initial activities that are part of the installation or 26748  
modification of an air contaminant source, such as the 26749  
installation of electrical and other utilities for the source, 26750  
prior to issuance of a permit to install, provided that the owner 26751  
or operator of the source has filed a complete application for a 26752  
permit to install, the director or the director's designee has 26753  
determined that the application is complete, and the owner or 26754  
operator of the source has notified the director that this 26755  
activity will be undertaken prior to the issuance of a permit to 26756  
install. Any activity that is undertaken by the source under those 26757  
rules shall be at the risk of the owner or operator. The rules 26758  
shall not apply to activities that are precluded prior to permit 26759  
issuance under section 111, section 112, Part C of Title I, and 26760  
Part D of Title I of the federal Clean Air Act. 26761

(G) Adopt, modify, suspend, and rescind rules prohibiting the 26762  
operation or other use of any new, modified, or existing air 26763  
contaminant source unless an operating permit has been obtained 26764  
from the director or the director's authorized representative, or 26765  
the air contaminant source is being operated in compliance with 26766  
the conditions of a variance issued pursuant to division (H) of 26767

this section. Applications for operating permits shall be 26768  
accompanied by such plans, specifications, and other pertinent 26769  
information as the director may require. Operating permits may be 26770  
issued for a period determined by the director not to exceed ~~five~~ 26771  
ten years, are renewable, and are transferable. The director shall 26772  
specify in each operating permit that the permit is conditioned 26773  
upon payment of the applicable fees as required by section 3745.11 26774  
of the Revised Code and upon the right of the director's 26775  
authorized representatives to enter upon the premises of the 26776  
person to whom the permit has been issued, at any reasonable time 26777  
and subject to safety requirements of the person in control of the 26778  
premises, for the purpose of determining compliance with this 26779  
chapter, the rules adopted thereunder, and the conditions of any 26780  
permit, variance, or order issued thereunder. Operating permits 26781  
may be denied or revoked for failure to comply with this chapter 26782  
or the rules adopted thereunder. An operating permit shall be 26783  
issued only upon a showing satisfactory to the director or the 26784  
director's representative that the air contaminant source is being 26785  
operated in compliance with applicable emission standards and 26786  
other rules or upon submission of a schedule of compliance 26787  
satisfactory to the director for a source that is not in 26788  
compliance with all applicable requirements at the time of permit 26789  
issuance, provided that the compliance schedule shall be 26790  
consistent with and at least as stringent as that contained in any 26791  
judicial consent decree or administrative order to which the air 26792  
contaminant source is subject. The rules shall provide for the 26793  
issuance of conditional operating permits for such reasonable 26794  
periods as the director may determine to allow the holder of an 26795  
installation permit, who has constructed, installed, located, or 26796  
modified a new air contaminant source in accordance with the 26797  
provisions of an installation permit, to make adjustments or 26798  
modifications necessary to enable the new air contaminant source 26799  
to comply with applicable emission standards and other rules. 26800

Terms and conditions of operating permits issued pursuant to this 26801  
division shall be federally enforceable for the purpose of 26802  
establishing the potential to emit of a stationary source and 26803  
shall be expressly designated as federally enforceable. Any such 26804  
federally enforceable restrictions on a source's potential to emit 26805  
shall include both an annual limit and a short-term limit of not 26806  
more than thirty days for each pollutant to be restricted together 26807  
with adequate methods for establishing compliance with the 26808  
restrictions. In other respects, operating permits issued pursuant 26809  
to this division are enforceable as state law only. No application 26810  
shall be denied or permit revoked or modified without a written 26811  
order stating the findings upon which denial, revocation, or 26812  
modification is based. A copy of the order shall be sent to the 26813  
applicant or permit holder by certified mail. 26814

(H) Adopt, modify, and rescind rules governing the issuance, 26815  
revocation, modification, or denial of variances that authorize 26816  
emissions in excess of the applicable emission standards. 26817

No variance shall be issued except pursuant to those rules. 26818  
The rules shall prescribe conditions and criteria in furtherance 26819  
of the purposes of this chapter and consistent with the federal 26820  
Clean Air Act governing eligibility for issuance of variances, 26821  
which shall include all of the following: 26822

(1) Provisions requiring consistency of emissions authorized 26823  
by a variance with timely attainment and maintenance of ambient 26824  
air quality standards; 26825

(2) Provisions prescribing the classes and categories of air 26826  
contaminants and air contaminant sources for which variances may 26827  
be issued; 26828

(3) Provisions defining the circumstances under which an 26829  
applicant shall demonstrate that compliance with applicable 26830  
emission standards is technically infeasible, economically 26831



unreasonable, or impossible because of conditions beyond the 26832  
control of the applicant; 26833

(4) Other provisions prescribed in furtherance of the goals 26834  
of this chapter. 26835

The rules shall prohibit the issuance of variances from any 26836  
emission limitation that was applicable to a source pursuant to an 26837  
installation permit and shall prohibit issuance of variances that 26838  
conflict with the federal Clean Air Act. 26839

Applications for variances shall be accompanied by such 26840  
information as the director may require. In issuing variances, the 26841  
director may order the person to whom a variance is issued to 26842  
furnish plans and specifications and such other information and 26843  
data, including interim reports, as the director may require and 26844  
to proceed to take such action within such time as the director 26845  
may determine to be appropriate and reasonable to prevent, 26846  
control, or abate the person's existing emissions of air 26847  
contaminants. The director shall specify in each variance that the 26848  
variance is conditioned upon payment of the applicable fees as 26849  
required by section 3745.11 of the Revised Code and upon the right 26850  
of the director's authorized representatives to enter upon the 26851  
premises of the person to whom the variance has been issued, at 26852  
any reasonable time and subject to safety requirements of the 26853  
person in control of the premises, for the purpose of determining 26854  
compliance with this chapter, the rules adopted thereunder, and 26855  
the conditions of any permit, variance, or order issued 26856  
thereunder. 26857

The director may hold a public hearing on an application for 26858  
a variance or renewal thereof at a location in the county where 26859  
the variance is sought. The director shall give not less than 26860  
twenty days' notice of the hearing to the applicant by certified 26861  
mail and cause at least one publication of notice in a newspaper 26862  
with general circulation in the county where the variance is 26863

sought. The director shall keep available for public inspection at 26864  
the principal office of the environmental protection agency a 26865  
current schedule of pending applications for variances and a 26866  
current schedule of pending variance hearings. The director shall 26867  
make a complete stenographic record of testimony and other 26868  
evidence submitted at the hearing. The director shall make a 26869  
written determination to issue, renew, or deny the variance and 26870  
shall enter the determination and the basis therefor into the 26871  
record of the hearing. The director shall issue, renew, or deny an 26872  
application for a variance or renewal thereof, or issue a proposed 26873  
action upon the application pursuant to section 3745.07 of the 26874  
Revised Code, within six months of the date upon which the 26875  
director receives a complete application with all pertinent 26876  
information and data required by the director. 26877

Any variance granted pursuant to rules adopted under this 26878  
division shall be for a period specified by the director, not to 26879  
exceed three years, and may be renewed from time to time on such 26880  
terms and for such periods, not to exceed three years each, as the 26881  
director determines to be appropriate. A variance may be revoked, 26882  
or renewal denied, for failure to comply with conditions specified 26883  
in the variance. No variance shall be issued, denied, revoked, or 26884  
modified without a written order stating the findings upon which 26885  
the issuance, denial, revocation, or modification is based. A copy 26886  
of the order shall be sent to the applicant or variance holder by 26887  
certified mail. 26888

(I) Require the owner or operator of an air contaminant 26889  
source to install, employ, maintain, and operate such emissions, 26890  
ambient air quality, meteorological, or other monitoring devices 26891  
or methods as the director shall prescribe; to sample those 26892  
emissions at such locations, at such intervals, and in such manner 26893  
as the director prescribes; to maintain records and file periodic 26894  
reports with the director containing information as to location, 26895

size, and height of emission outlets, rate, duration, and 26896  
composition of emissions, and any other pertinent information the 26897  
director prescribes; and to provide such written notice to other 26898  
states as the director shall prescribe. In requiring monitoring 26899  
devices, records, and reports, the director, to the extent 26900  
consistent with the federal Clean Air Act, shall give 26901  
consideration to technical feasibility and economic reasonableness 26902  
and allow reasonable time for compliance. For sources where a 26903  
specific monitoring, record-keeping, or reporting requirement is 26904  
specified for a particular air contaminant from a particular air 26905  
contaminant source in an applicable regulation adopted by the 26906  
United States environmental protection agency under the federal 26907  
Clean Air Act or in an applicable rule adopted by the director, 26908  
the director shall not impose an additional requirement in a 26909  
permit that is a different monitoring, record-keeping, or 26910  
reporting requirement other than the requirement specified in the 26911  
applicable regulation or rule for that air contaminant except as 26912  
otherwise agreed to by the owner or operator of the air 26913  
contaminant source and the director. If two or more regulations or 26914  
rules impose different monitoring, record-keeping, or reporting 26915  
requirements for the same air contaminant from the same air 26916  
contaminant source, the director may impose permit terms and 26917  
conditions that consolidate or streamline the monitoring, 26918  
record-keeping, or reporting requirements in a manner that 26919  
conforms with each applicable requirement. To the extent 26920  
consistent with the federal Clean Air Act and except as otherwise 26921  
agreed to by the owner or operator of an air contaminant source 26922  
and the director, the director shall not require an operating 26923  
restriction that has the practical effect of increasing the 26924  
stringency of an existing applicable emission limitation or 26925  
standard. 26926

(J) Establish, operate, and maintain monitoring stations and 26927  
other devices designed to measure air pollution and enter into 26928

contracts with any public or private agency for the establishment, 26929  
operation, or maintenance of such stations and devices; 26930

(K) By rule adopt procedures for giving reasonable public 26931  
notice and conducting public hearings on any plans for the 26932  
prevention, control, and abatement of air pollution that the 26933  
director is required to submit to the federal government; 26934

(L) Through any employee, agent, or authorized representative 26935  
of the director or the environmental protection agency, enter upon 26936  
private or public property, including improvements thereon, at any 26937  
reasonable time, to make inspections, take samples, conduct tests, 26938  
and examine records or reports pertaining to any emission of air 26939  
contaminants and any monitoring equipment or methods and to 26940  
determine if there are any actual or potential emissions from such 26941  
premises and, if so, to determine the sources, amounts, contents, 26942  
and extent of those emissions, or to ascertain whether there is 26943  
compliance with this chapter, any orders issued or rules adopted 26944  
thereunder, or any other determination of the director. The 26945  
director, at reasonable times, may have access to and copy any 26946  
such records. If entry or inspection authorized by this division 26947  
is refused, hindered, or thwarted, the director or the director's 26948  
authorized representative may by affidavit apply for, and any 26949  
judge of a court of record may issue, an appropriate inspection 26950  
warrant necessary to achieve the purposes of this chapter within 26951  
the court's territorial jurisdiction. 26952

(M) Accept and administer gifts or grants from the federal 26953  
government and from any other source, public or private, for 26954  
carrying out any of the functions under this chapter; 26955

(N) Obtain necessary scientific, technical, and laboratory 26956  
services; 26957

(O) Establish advisory boards in accordance with section 26958  
121.13 of the Revised Code; 26959

(P) Delegate to any city or general health district or 26960  
political subdivision of the state any of the director's 26961  
enforcement and monitoring powers and duties, other than 26962  
rule-making powers, as the director elects to delegate, and in 26963  
addition employ, compensate, and prescribe the powers and duties 26964  
of such officers, employees, and consultants as are necessary to 26965  
enable the director to exercise the authority and perform duties 26966  
imposed upon the director by law. Technical and other services 26967  
shall be performed, insofar as practical, by personnel of the 26968  
environmental protection agency. 26969

(Q) Certify to the government of the United States or any 26970  
agency thereof that an industrial air pollution facility is in 26971  
conformity with the state program or requirements for control of 26972  
air pollution whenever such certificate is required for a taxpayer 26973  
pursuant to any federal law or requirements; 26974

(R) Issue, modify, or revoke orders requiring abatement of or 26975  
prohibiting emissions that violate applicable emission standards 26976  
or other requirements of this chapter and rules adopted 26977  
thereunder, or requiring emission control devices or measures in 26978  
order to comply with applicable emission standards or other 26979  
requirements of this chapter and rules adopted thereunder. Any 26980  
such order shall require compliance with applicable emission 26981  
standards by a specified date and shall not conflict with any 26982  
requirement of the federal Clean Air Act. In the making of such 26983  
orders, the director, to the extent consistent with the federal 26984  
Clean Air Act, shall give consideration to, and base the 26985  
determination on, evidence relating to the technical feasibility 26986  
and economic reasonableness of compliance with such orders and 26987  
their relation to benefits to the people of the state to be 26988  
derived from such compliance. If, under the federal Clean Air Act, 26989  
any such order shall provide for the posting of a bond or surety 26990  
to secure compliance with the order as a condition of issuance of 26991

the order, the order shall so provide, but only to the extent 26992  
required by the federal Clean Air Act. 26993

(S) To the extent provided by the federal Clean Air Act, 26994  
adopt, modify, and rescind rules providing for the administrative 26995  
assessment and collection of monetary penalties, not in excess of 26996  
those required pursuant to the federal Clean Air Act, for failure 26997  
to comply with any emission limitation or standard, compliance 26998  
schedule, or other requirement of any rule, order, permit, or 26999  
variance issued or adopted under this chapter or required under 27000  
the applicable implementation plan whether or not the source is 27001  
subject to a federal or state consent decree. The director may 27002  
require the submission of compliance schedules, calculations of 27003  
penalties for noncompliance, and related information. Any orders, 27004  
payments, sanctions, or other requirements imposed pursuant to 27005  
rules adopted under this division shall be in addition to any 27006  
other permits, orders, payments, sanctions, or other requirements 27007  
established under this chapter and shall not affect any civil or 27008  
criminal enforcement proceedings brought under any provision of 27009  
this chapter or any other provision of state or local law. This 27010  
division does not apply to any requirement of this chapter 27011  
regarding the prevention or abatement of odors. 27012

(T) Require new or modified air contaminant sources to 27013  
install best available technology, but only in accordance with 27014  
this division. With respect to permits issued pursuant to division 27015  
(F) of this section beginning three years after ~~the effective date~~ 27016  
~~of this amendment~~ August 3, 2006, best available technology for 27017  
air contaminant sources and air contaminants emitted by those 27018  
sources that are subject to standards adopted under section 112, 27019  
Part C of Title I, and Part D of Title I of the federal Clean Air 27020  
Act shall be equivalent to and no more stringent than those 27021  
standards. For an air contaminant or precursor of an air 27022  
contaminant for which a national ambient air quality standard has 27023

been adopted under the federal Clean Air Act, best available 27024  
technology only shall be required to the extent required by rules 27025  
adopted under Chapter 119. of the Revised Code for permit to 27026  
install applications filed three or more years after ~~the effective~~ 27027  
~~date of this amendment~~ August 3, 2006. 27028

Best available technology requirements established in rules 27029  
adopted under this division shall be expressed only in one of the 27030  
following ways that is most appropriate for the applicable source 27031  
or source categories: 27032

(1) Work practices; 27033

(2) Source design characteristics or design efficiency of 27034  
applicable air contaminant control devices; 27035

(3) Raw material specifications or throughput limitations 27036  
averaged over a twelve-month rolling period; 27037

(4) Monthly allowable emissions averaged over a twelve-month 27038  
rolling period. 27039

Best available technology requirements shall not apply to an 27040  
air contaminant source that has the potential to emit, taking into 27041  
account air pollution controls installed on the source, less than 27042  
ten tons per year of emissions of an air contaminant or precursor 27043  
of an air contaminant for which a national ambient air quality 27044  
standard has been adopted under the federal Clean Air Act. In 27045  
addition, best available technology requirements established in 27046  
rules adopted under this division shall not apply to any existing, 27047  
new, or modified air contaminant source that is subject to a 27048  
plant-wide applicability limit that has been approved by the 27049  
director. Further, best available technology requirements 27050  
established in rules adopted under this division shall not apply 27051  
to general permits issued prior to January 1, 2006, under rules 27052  
adopted under this chapter. 27053

For permits to install issued three or more years after ~~the~~ 27054

~~effective date of this amendment~~ August 3, 2006, any new or 27055  
modified air contaminant source that has the potential to emit, 27056  
taking into account air pollution controls installed on the 27057  
source, ten or more tons per year of volatile organic compounds or 27058  
nitrogen oxides shall meet, at a minimum, the requirements of any 27059  
applicable reasonably available control technology rule in effect 27060  
as of January 1, 2006, regardless of the location of the source. 27061

(U) Consistent with section 507 of the federal Clean Air Act, 27062  
adopt, modify, suspend, and rescind rules for the establishment of 27063  
a small business stationary source technical and environmental 27064  
compliance assistance program as provided in section 3704.18 of 27065  
the Revised Code; 27066

(V) Provide for emissions trading, marketable permits, 27067  
auctions of emission rights, and economic incentives that would 27068  
reduce the cost or increase the efficiency of achieving a 27069  
specified level of environmental protection; 27070

(W) Provide for the construction of an air contaminant source 27071  
prior to obtaining a permit to install pursuant to division (F) of 27072  
this section if the applicant demonstrates that the source will be 27073  
installed to comply with all applicable emission limits and will 27074  
not adversely affect public health or safety or the environment 27075  
and if the director determines that such an action will avoid an 27076  
unreasonable hardship on the owner or operator of the source. Any 27077  
such determination shall be consistent with the federal Clean Air 27078  
Act. 27079

(X) Exercise all incidental powers, including adoption of 27080  
rules, required to carry out this chapter. 27081

The environmental protection agency shall develop a plan to 27082  
control air pollution resulting from state-operated facilities and 27083  
property. 27084



**Sec. 3704.14.** (A) The director of environmental protection 27085  
shall continue to implement an enhanced motor vehicle inspection 27086  
and maintenance program for a period of two years beginning on 27087  
January 1, ~~2006~~ 2008, and ending on December 31, ~~2007~~ 2009, in 27088  
counties in which a motor vehicle inspection and maintenance 27089  
program is federally mandated. The program shall be substantially 27090  
similar to the enhanced program implemented in those counties 27091  
under a contract that is scheduled to expire on December 31, ~~2005~~ 27092  
2007. The program, at a minimum, shall do all of the following: 27093

(1) Comply with the federal Clean Air Act; 27094

(2) Provide for the extension of a contract for a period of 27095  
two years, beginning on January 1, ~~2006~~ 2008, and ending on 27096  
December 31, ~~2007~~ 2009, with the contractor who conducted the 27097  
enhanced motor vehicle inspection and maintenance program in those 27098  
~~federally mandated~~ counties where the program was in operation on 27099  
January 3, 2006, pursuant to a contract entered into ~~under former~~ 27100  
~~section 3704.14 of the Revised Code as that section existed prior~~ 27101  
~~to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th~~ 27102  
~~General Assembly~~ with the state; 27103

(3) Provide for the issuance of inspection certificates; 27104

(4) Provide for a new car exemption for motor vehicles four 27105  
years old or newer and provide that a new motor vehicle is exempt 27106  
for four years regardless of whether legal title to the motor 27107  
vehicle is transferred during that period. 27108

~~(B) The director shall not implement a motor vehicle~~ 27109  
~~inspection and maintenance program in any county other than a~~ 27110  
~~county in which a motor vehicle inspection and maintenance program~~ 27111  
~~is federally mandated.~~ 27112

~~(C)~~ The director shall adopt rules in accordance with Chapter 27113  
119. of the Revised Code that the director determines are 27114

necessary to implement this section. The director may continue to 27115  
implement and enforce rules pertaining to the enhanced motor 27116  
vehicle inspection and maintenance program previously implemented 27117  
under former section 3704.14 of the Revised Code as that section 27118  
existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of 27119  
the 126th general assembly, provided that the rules do not 27120  
conflict with this section. 27121

~~(D)~~(C) There is hereby created in the state treasury the 27122  
motor vehicle inspection and maintenance fund, which shall consist 27123  
of money received by the director from any fees for inspections 27124  
that are established in rules adopted under this section. The 27125  
director shall use money in the fund solely for the 27126  
implementation, supervision, administration, operation, and 27127  
enforcement of the enhanced motor vehicle inspection and 27128  
maintenance program established under this section. 27129

~~(E)~~(D) The enhanced motor vehicle inspection and maintenance 27130  
program established under this section expires on December 31, 27131  
~~2007~~ 2009, and shall not be continued beyond that date unless 27132  
otherwise federally mandated. 27133

(E) Notwithstanding divisions (A) to (D) of this section, the 27134  
director shall not implement an enhanced motor vehicle inspection 27135  
and maintenance program and no such program shall be operated in 27136  
an area of the state where such a program was not in operation on 27137  
January 3, 2006, pursuant to a contract entered into by this state 27138  
unless both of following apply: 27139

(1) The program is required in the approved state 27140  
implementation plan; and 27141

(2) After January 3, 2006, the United States environmental 27142  
protection agency has expressly notified the director in writing 27143  
that the failure to operate the program in a specific area will 27144  
result in the imposition of sanctions under the federal Clean Air 27145

<u>Act.</u>	27146
<b>Sec. 3705.24.</b> (A)(1) The public health council shall, in	27147
accordance with section 111.15 of the Revised Code, adopt rules	27148
prescribing fees for the following services provided by the state	27149
office of vital statistics:	27150
(a) Except as provided in division (A)(4) of this section:	27151
(i) A certified copy of a vital record or a certification of	27152
birth;	27153
(ii) A search by the office of vital statistics of its files	27154
and records pursuant to a request for information, regardless of	27155
whether a copy of a record is provided;	27156
(iii) A copy of a record provided pursuant to a request;	27157
(b) Replacement of a birth certificate following an adoption,	27158
legitimation, paternity determination or acknowledgement, or court	27159
order;	27160
(c) Filing of a delayed registration of a vital record;	27161
(d) Amendment of a vital record that is requested later than	27162
one year after the filing date of the vital record;	27163
(e) Any other documents or services for which the public	27164
health council considers the charging of a fee appropriate.	27165
(2) Fees prescribed under division (A)(1)(a) of this section	27166
shall not be less than seven dollars.	27167
(3) Fees prescribed under division (A)(1) of this section	27168
shall be collected in addition to any fees required by sections	27169
3109.14 and 3705.242 of the Revised Code.	27170
(4) Fees prescribed under division (A) of this section shall	27171
not apply to certifications issued under division (H) of this	27172
section or copies provided under section 3705.241 of the Revised	27173
Code.	27174

(B) In addition to the fees prescribed under division (A) of 27175  
this section or section 3709.09 of the Revised Code, the office of 27176  
vital statistics or the board of health of a city or general 27177  
health district shall charge a five-dollar fee for each certified 27178  
copy of a vital record and each certification of birth. This fee 27179  
shall be deposited in the general operations fund created under 27180  
section 3701.83 of the Revised Code and be used ~~solely toward to~~ 27181  
support the operations, the modernization, and the automation of 27182  
the ~~system of~~ vital records program in this state. A board of 27183  
health shall forward all fees collected under this division to the 27184  
department of health not later than thirty days after the end of 27185  
each calendar quarter. 27186

(C) Except as otherwise provided in division (H) of this 27187  
section, and except as provided in section 3705.241 of the Revised 27188  
Code, fees collected by the director of health under sections 27189  
3705.01 to 3705.29 of the Revised Code shall be paid into the 27190  
state treasury to the credit of the general operations fund 27191  
created by section 3701.83 of the Revised Code. Except as provided 27192  
in division (B) of this section, money generated by the fees shall 27193  
be used only for administration and enforcement of this chapter 27194  
and the rules adopted under it. Amounts submitted to the 27195  
department of health for copies of vital records or services in 27196  
excess of the fees imposed by this section shall be dealt with as 27197  
follows: 27198

(1) An overpayment of two dollars or less shall be retained 27199  
by the department and deposited in the state treasury to the 27200  
credit of the general operations fund created by section 3701.83 27201  
of the Revised Code. 27202

(2) An overpayment in excess of two dollars shall be returned 27203  
to the person who made the overpayment. 27204

(D) If a local registrar is a salaried employee of a city or 27205  
a general health district, any fees the local registrar receives 27206

pursuant to section 3705.23 of the Revised Code shall be paid into 27207  
the general fund of the city or the health fund of the general 27208  
health district. 27209

Each local registrar of vital statistics, or each health 27210  
district where the local registrar is a salaried employee of the 27211  
district, shall be entitled to a fee for each birth, fetal death, 27212  
death, or military service certificate properly and completely 27213  
made out and registered with the local registrar or district and 27214  
correctly copied and forwarded to the office of vital statistics 27215  
in accordance with the population of the primary registration 27216  
district at the last federal census. The fee for each birth, fetal 27217  
death, death, or military service certificate shall be: 27218

(1) In primary registration districts of over two hundred 27219  
fifty thousand, twenty cents; 27220

(2) In primary registration districts of over one hundred 27221  
twenty-five thousand and less than two hundred fifty thousand, 27222  
sixty cents; 27223

(3) In primary registration districts of over fifty thousand 27224  
and less than one hundred twenty-five thousand, eighty cents; 27225

(4) In primary registration districts of less than fifty 27226  
thousand, one dollar. 27227

(E) The director of health shall annually certify to the 27228  
county treasurers of the several counties the number of birth, 27229  
fetal death, death, and military service certificates registered 27230  
from their respective counties with the names of the local 27231  
registrars and the amounts due each registrar and health district 27232  
at the rates fixed in this section. Such amounts shall be paid by 27233  
the treasurer of the county in which the registration districts 27234  
are located. No fees shall be charged or collected by registrars 27235  
except as provided by this chapter and section 3109.14 of the 27236  
Revised Code. 27237

(F) A probate judge shall be paid a fee of fifteen cents for 27238  
each certified abstract of marriage prepared and forwarded by the 27239  
probate judge to the department of health pursuant to section 27240  
3705.21 of the Revised Code. The fee shall be in addition to the 27241  
fee paid for a marriage license and shall be paid by the 27242  
applicants for the license. 27243

(G) The clerk of a court of common pleas shall be paid a fee 27244  
of one dollar for each certificate of divorce, dissolution, and 27245  
annulment of marriage prepared and forwarded by the clerk to the 27246  
department pursuant to section 3705.21 of the Revised Code. The 27247  
fee for the certified abstract of divorce, dissolution, or 27248  
annulment of marriage shall be added to the court costs allowed in 27249  
these cases. 27250

(H) The fee for an heirloom certification of birth issued 27251  
pursuant to division (B)(2) of section 3705.23 of the Revised Code 27252  
shall be an amount prescribed by rule by the director of health 27253  
plus any fee required by section 3109.14 of the Revised Code. In 27254  
setting the amount of the fee, the director shall establish a 27255  
surcharge in addition to an amount necessary to offset the expense 27256  
of processing heirloom certifications of birth. The fee prescribed 27257  
by the director of health pursuant to this division shall be 27258  
deposited into the state treasury to the credit of the heirloom 27259  
certification of birth fund which is hereby created. Money 27260  
credited to the fund shall be used by the office of vital 27261  
statistics to offset the expense of processing heirloom 27262  
certifications of birth. However, the money collected for the 27263  
surcharge, subject to the approval of the controlling board, shall 27264  
be used for the purposes specified by the family and children 27265  
first council pursuant to section 121.37 of the Revised Code. 27266

**Sec. 3709.09.** (A) The board of health of a city or general 27267  
health district may, by rule, establish a uniform system of fees 27268

to pay the costs of any services provided by the board. 27269

The fee for issuance of a certified copy of a vital record or 27270  
a certification of birth shall not be less than the fee prescribed 27271  
for the same service under division (A)(1) of section 3705.24 of 27272  
the Revised Code and shall include the fees required by division 27273  
(B) of section 3705.24 and section 3109.14 of the Revised Code. 27274

Fees for services provided by the board for purposes 27275  
specified in sections 3701.344, 3711.05, ~~3718.06~~, 3729.07, 27276  
3730.03, 3733.04, 3733.25, and 3749.04 of the Revised Code shall 27277  
be established in accordance with rules adopted under division (B) 27278  
of this section. The district advisory council, in the case of a 27279  
general health district, and the legislative authority of the 27280  
city, in the case of a city health district, may disapprove any 27281  
fee established by the board of health under this division, and 27282  
any such fee, as disapproved, shall not be charged by the board of 27283  
health. 27284

(B) The public health council shall adopt rules under section 27285  
111.15 of the Revised Code that establish fee categories and 27286  
uniform methodologies for use in calculating the costs of services 27287  
provided for purposes specified in sections 3701.344, 3711.05, 27288  
~~3718.06~~, 3729.07, 3730.03, 3733.04, 3733.25, and 3749.04 of the 27289  
Revised Code. In adopting the rules, the public health council 27290  
shall consider recommendations it receives from advisory boards 27291  
established either by statute or the director of health for 27292  
entities subject to the fees. 27293

(C) At least thirty days prior to establishing a fee for a 27294  
service provided by the board for a purpose specified in section 27295  
3701.344, 3711.05, ~~3718.06~~, 3729.07, 3730.03, 3733.04, 3733.25, or 27296  
3749.04 of the Revised Code, a board of health shall notify any 27297  
entity that would be affected by the proposed fee of the amount of 27298  
the proposed fee. 27299

Sec. 3709.091. (A) As used in this section: 27300

(1) "Household sewage ~~treatment~~ disposal system" means any 27301  
sewage disposal or treatment system, or part of such a system, for 27302  
a single-family, two-family, or three-family dwelling that 27303  
receives sewage. 27304

(2) "Sewage" means any liquid waste containing animal or 27305  
vegetable matter in suspension or solution that originates from 27306  
~~humans and human activities. "Sewage" includes liquids containing~~ 27307  
~~household chemicals in solution commonly discharged from a~~ 27308  
~~residence or from commercial, institutional, or other similar~~ 27309  
~~facilities.~~ 27310

~~(3) "Small flow on site sewage treatment system" means a~~ 27311  
~~system, other than a household sewage treatment system, that~~ 27312  
~~treats not more than one thousand gallons of sewage per day and~~ 27313  
~~that does not require a national pollutant discharge elimination~~ 27314  
~~system permit issued under section 6111.03 of the Revised Code or~~ 27315  
~~an injection well drilling or operating permit issued under~~ 27316  
~~section 6111.043 of the Revised Code water closets, urinals,~~ 27317  
~~lavatories, bathtubs, laundry tubs or devices, floor drains,~~ 27318  
~~drinking fountains, or other sanitary fixtures and may include~~ 27319  
~~liquid containing chemicals in solution.~~ 27320

(B) If any owner, leaseholder, or assignee of real property 27321  
fails to pay a fee as required by rule of a board of health of a 27322  
city or general health district pursuant to section 3709.09 of the 27323  
Revised Code for an operation permit for, or for inspection of, a 27324  
household sewage ~~treatment~~ disposal system ~~or a small flow on site~~ 27325  
~~sewage treatment system~~ located on the real property, the health 27326  
commissioner of the city or general health district or the 27327  
commissioner's designated representative shall notify the owner, 27328  
leaseholder, or assignee of the real property of the amount of the 27329  
fee and any accrued penalties for late payment of the fee. The 27330



notice shall state, in boldface letters: "You have 30 days to 27331  
object to the amount of the unpaid operation permit or inspection 27332  
fee for your household sewage ~~treatment~~ disposal system ~~or small~~ 27333  
~~flow on site sewage treatment system, as applicable,~~ as designated 27334  
in this notice, which may include accrued penalties for late 27335  
payment of the fee. If you do not pay this amount as instructed 27336  
herein within 30 days of receipt of this notice or object to this 27337  
amount during that time period in accordance with the procedures 27338  
set forth herein, the amount will be placed as a lien on your real 27339  
property." The notice also shall explain how the owner, 27340  
leaseholder, or assignee may pay the amount, or object to the 27341  
amount in accordance with the procedures established by divisions 27342  
(C) and (D) of this section. 27343

Notice to the owner, leaseholder, or assignee shall be made 27344  
by either of the following: 27345

(1) Certified mail, overnight delivery service, hand 27346  
delivery, or any other method that includes written evidence of 27347  
receipt; 27348

(2) The sheriff of the county in which the owner, 27349  
leaseholder, or assignee to be served resides, in one or more of 27350  
the methods provided in the Ohio Rules of Civil Procedure. The 27351  
sheriff may charge reasonable fees for that service. 27352

(C) Not later than thirty days after receipt under division 27353  
(B) of this section of notification of the amount of an unpaid 27354  
operation permit or inspection fee and any accrued late payment 27355  
penalties, the owner, leaseholder, or assignee may object to the 27356  
amount by delivering a written notice of objection to the health 27357  
commissioner by any of the means provided for in division (B)(1) 27358  
of this section. Not later than sixty days after receipt of the 27359  
notice of objection, the county prosecutor, on behalf of the city 27360  
or general health district, may file a civil action in the court 27361  
of common pleas against the owner, leaseholder, or assignee. If 27362

the county prosecutor fails to commence suit within the sixty-day 27363  
period, or if the action is commenced, but dismissed with 27364  
prejudice before adjudication, the unpaid fee and any accrued late 27365  
payment penalties are void and cannot be placed on the general tax 27366  
list and duplicate as a lien against the real property. 27367

(D) If, in accordance with division (C) of this section, the 27368  
owner, leaseholder, or assignee objects to the amount of the 27369  
unpaid operation permit or inspection fee and any accrued late 27370  
payment penalties and the county prosecutor commences suit and 27371  
prevails in the action, the owner, leaseholder, or assignee 27372  
objecting shall pay the amount of the fee, any accrued late 27373  
payment penalties, and the costs of the action, as determined by 27374  
the court. 27375

(E) If the owner, leaseholder, or assignee on which the 27376  
notice required by division (B) of this section was served does 27377  
not pay to the city or general health district the amount of an 27378  
unpaid operation permit or inspection fee and any accrued late 27379  
payment penalties within thirty days after receipt of the notice, 27380  
or does not object to the amount in the manner provided in 27381  
division (C) of this section, the health commissioner of the city 27382  
or general health district or the commissioner's designated 27383  
representative may certify, on or before the first Monday of 27384  
September, the amount of the unpaid fee and any accrued late 27385  
payment penalties to the county auditor to be placed on the 27386  
general tax list and duplicate as provided in section 319.281 of 27387  
the Revised Code. 27388

**Sec. 3721.51.** The department of job and family services shall 27389  
do all of the following: 27390

(A) Subject to division (C) of this section and for the 27391  
purposes specified in sections 3721.56 and 3721.561 of the Revised 27392  
Code, determine an annual franchise permit fee on each nursing 27393

home in an amount equal to six dollars and twenty-five cents ~~for~~ 27394  
~~fiscal years 2006 and 2007 and one dollar for each fiscal year~~ 27395  
~~thereafter~~, multiplied by the product of the following: 27396

(1) The number of beds licensed as nursing home beds, plus 27397  
any other beds certified as skilled nursing facility beds under 27398  
Title XVIII or nursing facility beds under Title XIX on the first 27399  
day of May of the calendar year in which the fee is determined 27400  
pursuant to division (A) of section 3721.53 of the Revised Code; 27401

(2) The number of days in the fiscal year beginning on the 27402  
first day of July of the calendar year in which the fee is 27403  
determined pursuant to division (A) of section 3721.53 of the 27404  
Revised Code. 27405

(B) Subject to division (C) of this section and for the 27406  
purposes specified in sections 3721.56 and 3721.561 of the Revised 27407  
Code, determine an annual franchise permit fee on each hospital in 27408  
an amount equal to six dollars and twenty-five cents ~~for fiscal~~ 27409  
~~years 2006 and 2007 and one dollar for each fiscal year~~ 27410  
~~thereafter~~, multiplied by the product of the following: 27411

(1) The number of beds registered pursuant to section 3701.07 27412  
of the Revised Code as skilled nursing facility beds or long-term 27413  
care beds, plus any other beds licensed as nursing home beds under 27414  
section 3721.02 or 3721.09 of the Revised Code, on the first day 27415  
of May of the calendar year in which the fee is determined 27416  
pursuant to division (A) of section 3721.53 of the Revised Code; 27417

(2) The number of days in the fiscal year beginning on the 27418  
first day of July of the calendar year in which the fee is 27419  
determined pursuant to division (A) of section 3721.53 of the 27420  
Revised Code. 27421

(C) If the United States centers for medicare and medicaid 27422  
services determines that the franchise permit fee established by 27423  
sections 3721.50 to 3721.58 of the Revised Code is an 27424

impermissible health care related tax under section 1903(w) of the 27425  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 27426  
amended, take all necessary actions to cease implementation of 27427  
sections 3721.50 to 3721.58 of the Revised Code in accordance with 27428  
rules adopted under section 3721.58 of the Revised Code. 27429

**Sec. 3721.541.** (A) In addition to assessing a penalty 27430  
pursuant to section 3721.54 of the Revised Code, the department of 27431  
job and family services may do either or both of the following if 27432  
a nursing facility or hospital fails to pay the full amount of a 27433  
franchise permit fee installment when due: 27434

(1) ~~Withhold Offset~~ an amount less than or equal to the 27435  
installment and penalty assessed under section 3721.54 of the 27436  
Revised Code from a medicaid payment due the nursing facility or 27437  
hospital ~~until the nursing facility or hospital pays the~~ 27438  
~~installment and penalty;~~ 27439

(2) Terminate the nursing facility or hospital's medicaid 27440  
provider agreement. 27441

(B) The department may ~~withhold~~ offset a medicaid payment 27442  
under division (A)(1) of this section without providing notice to 27443  
the nursing facility or hospital and without conducting an 27444  
adjudication under Chapter 119. of the Revised Code. 27445

**Sec. 3721.56.** There is hereby created in the state treasury 27446  
the home- and community-based services for the aged fund. Sixteen 27447  
per cent of all payments and penalties paid by nursing homes and 27448  
hospitals under sections 3721.53 and 3721.54 of the Revised Code 27449  
~~for fiscal years 2006 and 2007, and all such payments and~~ 27450  
~~penalties paid for subsequent fiscal years,~~ shall be deposited 27451  
into the fund. The departments of job and family services and 27452  
aging shall use the moneys in the fund to fund the following in 27453  
accordance with rules adopted under section 3721.58 of the Revised 27454

Code: 27455

(A) The medicaid program established under Chapter 5111. of 27456  
the Revised Code, including the PASSPORT program established under 27457  
section 173.40 of the Revised Code; 27458

(B) The residential state supplement program established 27459  
under section 173.35 of the Revised Code. 27460

**Sec. 3734.57.** (A) The following fees are hereby levied on the 27461  
transfer or disposal of solid wastes in this state: 27462

(1) One dollar per ton on and after July 1, 2003, through 27463  
June 30, ~~2008~~ 2010, one-half of the proceeds of which shall be 27464  
deposited in the state treasury to the credit of the hazardous 27465  
waste facility management fund created in section 3734.18 of the 27466  
Revised Code and one-half of the proceeds of which shall be 27467  
deposited in the state treasury to the credit of the hazardous 27468  
waste clean-up fund created in section 3734.28 of the Revised 27469  
Code; 27470

(2) An additional one dollar per ton on and after July 1, 27471  
2003, through June 30, ~~2008~~ 2010, the proceeds of which shall be 27472  
deposited in the state treasury to the credit of the solid waste 27473  
fund, which is hereby created. The environmental protection agency 27474  
shall use money in the solid waste fund to pay the costs of 27475  
administering and enforcing the laws pertaining to solid wastes, 27476  
infectious wastes, and construction and demolition debris, 27477  
including, without limitation, ground water evaluations related to 27478  
solid wastes, infectious wastes, and construction and demolition 27479  
debris, under this chapter and Chapter 3714. of the Revised Code 27480  
and any rules adopted under them, providing compliance assistance 27481  
to small businesses, and paying a share of the administrative 27482  
costs of the environmental protection agency pursuant to section 27483  
3745.014 of the Revised Code. 27484

(3) An additional one dollar and fifty cents per ton on and 27485  
after July 1, 2005, through June 30, ~~2008~~ 2010, the proceeds of 27486  
which shall be deposited in the state treasury to the credit of 27487  
the environmental protection fund created in section 3745.015 of 27488  
the Revised Code. 27489

In the case of solid wastes that are taken to a solid waste 27490  
transfer facility located in this state prior to being transported 27491  
for disposal at a solid waste disposal facility located in this 27492  
state or outside of this state, the fees levied under this 27493  
division shall be collected by the owner or operator of the 27494  
transfer facility as a trustee for the state. The amount of fees 27495  
required to be collected under this division at such a transfer 27496  
facility shall equal the total tonnage of solid wastes received at 27497  
the facility multiplied by the fees levied under this division. In 27498  
the case of solid wastes that are not taken to a solid waste 27499  
transfer facility located in this state prior to being transported 27500  
to a solid waste disposal facility, the fees shall be collected by 27501  
the owner or operator of the solid waste disposal facility as a 27502  
trustee for the state. The amount of fees required to be collected 27503  
under this division at such a disposal facility shall equal the 27504  
total tonnage of solid wastes received at the facility that was 27505  
not previously taken to a solid waste transfer facility located in 27506  
this state multiplied by the fees levied under this division. Fees 27507  
levied under this division do not apply to materials separated 27508  
from a mixed waste stream for recycling by a generator or 27509  
materials removed from the solid waste stream through recycling, 27510  
as "recycling" is defined in rules adopted under section 3734.02 27511  
of the Revised Code. 27512

The owner or operator of a solid waste transfer facility or 27513  
disposal facility, as applicable, shall prepare and file with the 27514  
director of environmental protection each month a return 27515  
indicating the total tonnage of solid wastes received at the 27516

facility during that month and the total amount of the fees 27517  
required to be collected under this division during that month. In 27518  
addition, the owner or operator of a solid waste disposal facility 27519  
shall indicate on the return the total tonnage of solid wastes 27520  
received from transfer facilities located in this state during 27521  
that month for which the fees were required to be collected by the 27522  
transfer facilities. The monthly returns shall be filed on a form 27523  
prescribed by the director. Not later than thirty days after the 27524  
last day of the month to which a return applies, the owner or 27525  
operator shall mail to the director the return for that month 27526  
together with the fees required to be collected under this 27527  
division during that month as indicated on the return. If the 27528  
return is filed and the amount of the fees due is paid in a timely 27529  
manner as required in this division, the owner or operator may 27530  
retain a discount of three-fourths of one per cent of the total 27531  
amount of the fees that are required to be paid as indicated on 27532  
the return. 27533

The owner or operator may request an extension of not more 27534  
than thirty days for filing the return and remitting the fees, 27535  
provided that the owner or operator has submitted such a request 27536  
in writing to the director together with a detailed description of 27537  
why the extension is requested, the director has received the 27538  
request not later than the day on which the return is required to 27539  
be filed, and the director has approved the request. If the fees 27540  
are not remitted within thirty days after the last day of the 27541  
month to which the return applies or are not remitted by the last 27542  
day of an extension approved by the director, the owner or 27543  
operator shall not retain the three-fourths of one per cent 27544  
discount and shall pay an additional ten per cent of the amount of 27545  
the fees for each month that they are late. For purposes of 27546  
calculating the late fee, the first month in which fees are late 27547  
begins on the first day after the deadline has passed for timely 27548  
submitting the return and fees, and one additional month shall be 27549

counted every thirty days thereafter. 27550

The owner or operator of a solid waste facility may request a 27551  
refund or credit of fees levied under this division and remitted 27552  
to the director that have not been paid to the owner or operator. 27553  
Such a request shall be made only if the fees have not been 27554  
collected by the owner or operator, have become a debt that has 27555  
become worthless or uncollectable for a period of six months or 27556  
more, and may be claimed as a deduction, including a deduction 27557  
claimed if the owner or operator keeps accounts on an accrual 27558  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 27559  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 27560  
making a request for a refund or credit, an owner or operator 27561  
shall make reasonable efforts to collect the applicable fees. A 27562  
request for a refund or credit shall not include any costs 27563  
resulting from those efforts to collect unpaid fees. 27564

A request for a refund or credit of fees shall be made in 27565  
writing, on a form prescribed by the director, and shall be 27566  
supported by evidence that may be required in rules adopted by the 27567  
director under this chapter. After reviewing the request, and if 27568  
the request and evidence submitted with the request indicate that 27569  
a refund or credit is warranted, the director shall grant a refund 27570  
to the owner or operator or shall permit a credit to be taken by 27571  
the owner or operator on a subsequent monthly return submitted by 27572  
the owner or operator. The amount of a refund or credit shall not 27573  
exceed an amount that is equal to ninety days' worth of fees owed 27574  
to an owner or operator by a particular debtor of the owner or 27575  
operator. A refund or credit shall not be granted by the director 27576  
to an owner or operator more than once in any twelve-month period 27577  
for fees owed to the owner or operator by a particular debtor. 27578

If, after receiving a refund or credit from the director, an 27579  
owner or operator receives payment of all or part of the fees, the 27580  
owner or operator shall remit the fees with the next monthly 27581



return submitted to the director together with a written 27582  
explanation of the reason for the submittal. 27583

For purposes of computing the fees levied under this division 27584  
or division (B) of this section, any solid waste transfer or 27585  
disposal facility that does not use scales as a means of 27586  
determining gate receipts shall use a conversion factor of three 27587  
cubic yards per ton of solid waste or one cubic yard per ton for 27588  
baled waste, as applicable. 27589

The fees levied under this division and divisions (B) and (C) 27590  
of this section are in addition to all other applicable fees and 27591  
taxes and shall be paid by the customer or a political subdivision 27592  
to the owner or operator of a solid waste transfer or disposal 27593  
facility notwithstanding the existence of any provision in a 27594  
contract that the customer or a political subdivision may have 27595  
with the owner or operator or with a transporter of waste to the 27596  
facility that would not require or allow such payment. 27597

(B) For the purposes specified in division (G) of this 27598  
section, the solid waste management policy committee of a county 27599  
or joint solid waste management district may levy fees upon the 27600  
following activities: 27601

(1) The disposal at a solid waste disposal facility located 27602  
in the district of solid wastes generated within the district; 27603

(2) The disposal at a solid waste disposal facility within 27604  
the district of solid wastes generated outside the boundaries of 27605  
the district, but inside this state; 27606

(3) The disposal at a solid waste disposal facility within 27607  
the district of solid wastes generated outside the boundaries of 27608  
this state. 27609

The solid waste management plan of the county or joint 27610  
district approved under section 3734.521 or 3734.55 of the Revised 27611  
Code and any amendments to it, or the resolution adopted under 27612

this division, as appropriate, shall establish the rates of the 27613  
fees levied under divisions (B)(1), (2), and (3) of this section, 27614  
if any, and shall specify whether the fees are levied on the basis 27615  
of tons or cubic yards as the unit of measurement. A solid waste 27616  
management district that levies fees under this division on the 27617  
basis of cubic yards shall do so in accordance with division (A) 27618  
of this section. 27619

The fee levied under division (B)(1) of this section shall be 27620  
not less than one dollar per ton nor more than two dollars per 27621  
ton, the fee levied under division (B)(2) of this section shall be 27622  
not less than two dollars per ton nor more than four dollars per 27623  
ton, and the fee levied under division (B)(3) of this section 27624  
shall be not more than the fee levied under division (B)(1) of 27625  
this section. 27626

Prior to the approval of the solid waste management plan of a 27627  
district under section 3734.55 of the Revised Code, the solid 27628  
waste management policy committee of a district may levy fees 27629  
under this division by adopting a resolution establishing the 27630  
proposed amount of the fees. Upon adopting the resolution, the 27631  
committee shall deliver a copy of the resolution to the board of 27632  
county commissioners of each county forming the district and to 27633  
the legislative authority of each municipal corporation and 27634  
township under the jurisdiction of the district and shall prepare 27635  
and publish the resolution and a notice of the time and location 27636  
where a public hearing on the fees will be held. Upon adopting the 27637  
resolution, the committee shall deliver written notice of the 27638  
adoption of the resolution; of the amount of the proposed fees; 27639  
and of the date, time, and location of the public hearing to the 27640  
director and to the fifty industrial, commercial, or institutional 27641  
generators of solid wastes within the district that generate the 27642  
largest quantities of solid wastes, as determined by the 27643  
committee, and to their local trade associations. The committee 27644

shall make good faith efforts to identify those generators within 27645  
the district and their local trade associations, but the 27646  
nonprovision of notice under this division to a particular 27647  
generator or local trade association does not invalidate the 27648  
proceedings under this division. The publication shall occur at 27649  
least thirty days before the hearing. After the hearing, the 27650  
committee may make such revisions to the proposed fees as it 27651  
considers appropriate and thereafter, by resolution, shall adopt 27652  
the revised fee schedule. Upon adopting the revised fee schedule, 27653  
the committee shall deliver a copy of the resolution doing so to 27654  
the board of county commissioners of each county forming the 27655  
district and to the legislative authority of each municipal 27656  
corporation and township under the jurisdiction of the district. 27657  
Within sixty days after the delivery of a copy of the resolution 27658  
adopting the proposed revised fees by the policy committee, each 27659  
such board and legislative authority, by ordinance or resolution, 27660  
shall approve or disapprove the revised fees and deliver a copy of 27661  
the ordinance or resolution to the committee. If any such board or 27662  
legislative authority fails to adopt and deliver to the policy 27663  
committee an ordinance or resolution approving or disapproving the 27664  
revised fees within sixty days after the policy committee 27665  
delivered its resolution adopting the proposed revised fees, it 27666  
shall be conclusively presumed that the board or legislative 27667  
authority has approved the proposed revised fees. The committee 27668  
shall determine if the resolution has been ratified in the same 27669  
manner in which it determines if a draft solid waste management 27670  
plan has been ratified under division (B) of section 3734.55 of 27671  
the Revised Code. 27672

The committee may amend the schedule of fees levied pursuant 27673  
to a resolution adopted and ratified under this division by 27674  
adopting a resolution establishing the proposed amount of the 27675  
amended fees. The committee may repeal the fees levied pursuant to 27676  
such a resolution by adopting a resolution proposing to repeal 27677

them. Upon adopting such a resolution, the committee shall proceed 27678  
to obtain ratification of the resolution in accordance with this 27679  
division. 27680

Not later than fourteen days after declaring the new fees to 27681  
be ratified or the fees to be repealed under this division, the 27682  
committee shall notify by certified mail the owner or operator of 27683  
each solid waste disposal facility that is required to collect the 27684  
fees of the ratification and the amount of the fees or of the 27685  
repeal of the fees. Collection of any fees shall commence or 27686  
collection of repealed fees shall cease on the first day of the 27687  
second month following the month in which notification is sent to 27688  
the owner or operator. 27689

Fees levied under this division also may be established, 27690  
amended, or repealed by a solid waste management policy committee 27691  
through the adoption of a new district solid waste management 27692  
plan, the adoption of an amended plan, or the amendment of the 27693  
plan or amended plan in accordance with sections 3734.55 and 27694  
3734.56 of the Revised Code or the adoption or amendment of a 27695  
district plan in connection with a change in district composition 27696  
under section 3734.521 of the Revised Code. 27697

Not later than fourteen days after the director issues an 27698  
order approving a district's solid waste management plan, amended 27699  
plan, or amendment to a plan or amended plan that establishes, 27700  
amends, or repeals a schedule of fees levied by the district, the 27701  
committee shall notify by certified mail the owner or operator of 27702  
each solid waste disposal facility that is required to collect the 27703  
fees of the approval of the plan or amended plan, or the amendment 27704  
to the plan, as appropriate, and the amount of the fees, if any. 27705  
In the case of an initial or amended plan approved under section 27706  
3734.521 of the Revised Code in connection with a change in 27707  
district composition, other than one involving the withdrawal of a 27708  
county from a joint district, the committee, within fourteen days 27709

after the change takes effect pursuant to division (G) of that 27710  
section, shall notify by certified mail the owner or operator of 27711  
each solid waste disposal facility that is required to collect the 27712  
fees that the change has taken effect and of the amount of the 27713  
fees, if any. Collection of any fees shall commence or collection 27714  
of repealed fees shall cease on the first day of the second month 27715  
following the month in which notification is sent to the owner or 27716  
operator. 27717

If, in the case of a change in district composition involving 27718  
the withdrawal of a county from a joint district, the director 27719  
completes the actions required under division (G)(1) or (3) of 27720  
section 3734.521 of the Revised Code, as appropriate, forty-five 27721  
days or more before the beginning of a calendar year, the policy 27722  
committee of each of the districts resulting from the change that 27723  
obtained the director's approval of an initial or amended plan in 27724  
connection with the change, within fourteen days after the 27725  
director's completion of the required actions, shall notify by 27726  
certified mail the owner or operator of each solid waste disposal 27727  
facility that is required to collect the district's fees that the 27728  
change is to take effect on the first day of January immediately 27729  
following the issuance of the notice and of the amount of the fees 27730  
or amended fees levied under divisions (B)(1) to (3) of this 27731  
section pursuant to the district's initial or amended plan as so 27732  
approved or, if appropriate, the repeal of the district's fees by 27733  
that initial or amended plan. Collection of any fees set forth in 27734  
such a plan or amended plan shall commence on the first day of 27735  
January immediately following the issuance of the notice. If such 27736  
an initial or amended plan repeals a schedule of fees, collection 27737  
of the fees shall cease on that first day of January. 27738

If, in the case of a change in district composition involving 27739  
the withdrawal of a county from a joint district, the director 27740  
completes the actions required under division (G)(1) or (3) of 27741

section 3734.521 of the Revised Code, as appropriate, less than 27742  
forty-five days before the beginning of a calendar year, the 27743  
director, on behalf of each of the districts resulting from the 27744  
change that obtained the director's approval of an initial or 27745  
amended plan in connection with the change proceedings, shall 27746  
notify by certified mail the owner or operator of each solid waste 27747  
disposal facility that is required to collect the district's fees 27748  
that the change is to take effect on the first day of January 27749  
immediately following the mailing of the notice and of the amount 27750  
of the fees or amended fees levied under divisions (B)(1) to (3) 27751  
of this section pursuant to the district's initial or amended plan 27752  
as so approved or, if appropriate, the repeal of the district's 27753  
fees by that initial or amended plan. Collection of any fees set 27754  
forth in such a plan or amended plan shall commence on the first 27755  
day of the second month following the month in which notification 27756  
is sent to the owner or operator. If such an initial or amended 27757  
plan repeals a schedule of fees, collection of the fees shall 27758  
cease on the first day of the second month following the month in 27759  
which notification is sent to the owner or operator. 27760

If the schedule of fees that a solid waste management 27761  
district is levying under divisions (B)(1) to (3) of this section 27762  
is amended or repealed, the fees in effect immediately prior to 27763  
the amendment or repeal shall continue to be collected until 27764  
collection of the amended fees commences or collection of the 27765  
repealed fees ceases, as applicable, as specified in this 27766  
division. In the case of a change in district composition, money 27767  
so received from the collection of the fees of the former 27768  
districts shall be divided among the resulting districts in 27769  
accordance with division (B) of section 343.012 of the Revised 27770  
Code and the agreements entered into under division (B) of section 27771  
343.01 of the Revised Code to establish the former and resulting 27772  
districts and any amendments to those agreements. 27773

For the purposes of the provisions of division (B) of this section establishing the times when newly established or amended fees levied by a district are required to commence and the collection of fees that have been amended or repealed is required to cease, "fees" or "schedule of fees" includes, in addition to fees levied under divisions (B)(1) to (3) of this section, those levied under section 3734.573 or 3734.574 of the Revised Code.

(C) For the purposes of defraying the added costs to a municipal corporation or township of maintaining roads and other public facilities and of providing emergency and other public services, and compensating a municipal corporation or township for reductions in real property tax revenues due to reductions in real property valuations resulting from the location and operation of a 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 27806  
environmental protection. Although the fees levied under this 27807  
division are levied on the basis of tons as the unit of 27808  
measurement, the legislative authority, in its ordinance or 27809  
resolution levying the fees under this division, may direct that 27810  
the fees be levied on the basis of cubic yards as the unit of 27811  
measurement based upon a conversion factor of three cubic yards 27812  
per ton generally or one cubic yard per ton for baled wastes. 27813

Not later than five days after enacting an ordinance or 27814  
adopting a resolution under this division, the legislative 27815  
authority shall so notify by certified mail the owner or operator 27816  
of each solid waste disposal facility that is required to collect 27817  
the fee. Collection of any fee levied on or after March 24, 1992, 27818  
shall commence on the first day of the second month following the 27819  
month in which notification is sent to the owner or operator. 27820

(D)(1) The fees levied under divisions (A), (B), and (C) of 27821  
this section do not apply to the disposal of solid wastes that: 27822

(a) Are disposed of at a facility owned by the generator of 27823  
the wastes when the solid waste facility exclusively disposes of 27824  
solid wastes generated at one or more premises owned by the 27825  
generator regardless of whether the facility is located on a 27826  
premises where the wastes are generated; 27827

(b) Are disposed of at facilities that exclusively dispose of 27828  
wastes that are generated from the combustion of coal, or from the 27829  
combustion of primarily coal in combination with scrap tires, that 27830  
is not combined in any way with garbage at one or more premises 27831  
owned by the generator. 27832

(2) Except as provided in section 3734.571 of the Revised 27833  
Code, any fees levied under division (B)(1) of this section apply 27834  
to solid wastes originating outside the boundaries of a county or 27835  
joint district that are covered by an agreement for the joint use 27836



of solid waste facilities entered into under section 343.02 of the Revised Code by the board of county commissioners or board of directors of the county or joint district where the wastes are generated and disposed of.

(3) When solid wastes, other than solid wastes that consist of scrap tires, are burned in a disposal facility that is an incinerator or energy recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash remaining after burning of the solid wastes and shall be collected by the owner or operator of the sanitary landfill where the ash is disposed of.

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (B) and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are 27868  
processed at a scrap tire recovery facility, the fees levied under 27869  
divisions (A), (B), and (C) of this section shall be levied upon 27870  
the disposal of the fly ash and bottom ash or other solid wastes 27871  
remaining after the processing of the scrap tires and shall be 27872  
collected by the owner or operator of the solid waste disposal 27873  
facility where the ash or other solid wastes are disposed of. 27874

(8) The director of environmental protection may issue an 27875  
order exempting from the fees levied under this section solid 27876  
wastes, including, but not limited to, scrap tires, that are 27877  
generated, transferred, or disposed of as a result of a contract 27878  
providing for the expenditure of public funds entered into by the 27879  
administrator or regional administrator of the United States 27880  
environmental protection agency, the director of environmental 27881  
protection, or the director of administrative services on behalf 27882  
of the director of environmental protection for the purpose of 27883  
remediating conditions at a hazardous waste facility, solid waste 27884  
facility, or other location at which the administrator or regional 27885  
administrator or the director of environmental protection has 27886  
reason to believe that there is a substantial threat to public 27887  
health or safety or the environment or that the conditions are 27888  
causing or contributing to air or water pollution or soil 27889  
contamination. An order issued by the director of environmental 27890  
protection under division (D)(8) of this section shall include a 27891  
determination that the amount of the fees not received by a solid 27892  
waste management district as a result of the order will not 27893  
adversely impact the implementation and financing of the 27894  
district's approved solid waste management plan and any approved 27895  
amendments to the plan. Such an order is a final action of the 27896  
director of environmental protection. 27897

(E) The fees levied under divisions (B) and (C) of this 27898  
section shall be collected by the owner or operator of the solid 27899

waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall be kept by the board in a separate and distinct fund to the credit

of the district. Moneys in the special fund of the county or joint 27932  
district arising from the fees levied under division (B) of this 27933  
section and the fee levied under division (A) of section 3734.573 27934  
of the Revised Code shall be expended by the board of county 27935  
commissioners or directors of the district in accordance with the 27936  
district's solid waste management plan or amended plan approved 27937  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 27938  
exclusively for the following purposes: 27939

(1) Preparation of the solid waste management plan of the 27940  
district under section 3734.54 of the Revised Code, monitoring 27941  
implementation of the plan, and conducting the periodic review and 27942  
amendment of the plan required by section 3734.56 of the Revised 27943  
Code by the solid waste management policy committee; 27944

(2) Implementation of the approved solid waste management 27945  
plan or amended plan of the district, including, without 27946  
limitation, the development and implementation of solid waste 27947  
recycling or reduction programs; 27948

(3) Providing financial assistance to boards of health within 27949  
the district, if solid waste facilities are located within the 27950  
district, for enforcement of this chapter and rules, orders, and 27951  
terms and conditions of permits, licenses, and variances adopted 27952  
or issued under it, other than the hazardous waste provisions of 27953  
this chapter and rules adopted and orders and terms and conditions 27954  
of permits issued under those provisions; 27955

(4) Providing financial assistance to each county within the 27956  
district to defray the added costs of maintaining roads and other 27957  
public facilities and of providing emergency and other public 27958  
services resulting from the location and operation of a solid 27959  
waste facility within the county under the district's approved 27960  
solid waste management plan or amended plan; 27961

(5) Pursuant to contracts entered into with boards of health 27962

within the district, if solid waste facilities contained in the 27963  
district's approved plan or amended plan are located within the 27964  
district, for paying the costs incurred by those boards of health 27965  
for collecting and analyzing samples from public or private water 27966  
wells on lands adjacent to those facilities; 27967

(6) Developing and implementing a program for the inspection 27968  
of solid wastes generated outside the boundaries of this state 27969  
that are disposed of at solid waste facilities included in the 27970  
district's approved solid waste management plan or amended plan; 27971

(7) Providing financial assistance to boards of health within 27972  
the district for the enforcement of section 3734.03 of the Revised 27973  
Code or to local law enforcement agencies having jurisdiction 27974  
within the district for enforcing anti-littering laws and 27975  
ordinances; 27976

(8) Providing financial assistance to boards of health of 27977  
health districts within the district that are on the approved list 27978  
under section 3734.08 of the Revised Code to defray the costs to 27979  
the health districts for the participation of their employees 27980  
responsible for enforcement of the solid waste provisions of this 27981  
chapter and rules adopted and orders and terms and conditions of 27982  
permits, licenses, and variances issued under those provisions in 27983  
the training and certification program as required by rules 27984  
adopted under division (L) of section 3734.02 of the Revised Code; 27985

(9) Providing financial assistance to individual municipal 27986  
corporations and townships within the district to defray their 27987  
added costs of maintaining roads and other public facilities and 27988  
of providing emergency and other public services resulting from 27989  
the location and operation within their boundaries of a 27990  
composting, energy or resource recovery, incineration, or 27991  
recycling facility that either is owned by the district or is 27992  
furnishing solid waste management facility or recycling services 27993  
to the district pursuant to a contract or agreement with the board 27994

of county commissioners or directors of the district; 27995

(10) Payment of any expenses that are agreed to, awarded, or 27996  
ordered to be paid under section 3734.35 of the Revised Code and 27997  
of any administrative costs incurred pursuant to that section. In 27998  
the case of a joint solid waste management district, if the board 27999  
of county commissioners of one of the counties in the district is 28000  
negotiating on behalf of affected communities, as defined in that 28001  
section, in that county, the board shall obtain the approval of 28002  
the board of directors of the district in order to expend moneys 28003  
for administrative costs incurred. 28004

Prior to the approval of the district's solid waste 28005  
management plan under section 3734.55 of the Revised Code, moneys 28006  
in the special fund of the district arising from the fees shall be 28007  
expended for those purposes in the manner prescribed by the solid 28008  
waste management policy committee by resolution. 28009

Notwithstanding division (G)(6) of this section as it existed 28010  
prior to October 29, 1993, or any provision in a district's solid 28011  
waste management plan prepared in accordance with division 28012  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 28013  
prior to that date, any moneys arising from the fees levied under 28014  
division (B)(3) of this section prior to January 1, 1994, may be 28015  
expended for any of the purposes authorized in divisions (G)(1) to 28016  
(10) of this section. 28017

(H) The director shall adopt rules in accordance with Chapter 28018  
119. of the Revised Code prescribing procedures for collecting and 28019  
forwarding the fees levied under divisions (B) and (C) of this 28020  
section to the boards of county commissioners or directors of 28021  
county or joint solid waste management districts and to the 28022  
treasurers or other officers of municipal corporations and the 28023  
fiscal officers of townships. The rules also shall prescribe the 28024  
dates for forwarding the fees to the boards and officials and may 28025  
prescribe any other requirements the director considers necessary 28026

or appropriate to implement and administer divisions (A), (B), and 28027  
(C) of this section. 28028

**Sec. 3735.672.** (A) On or before the thirty-first day of March 28029  
each year, a legislative authority that has entered into an 28030  
agreement with a party under section 3735.671 of the Revised Code 28031  
shall submit to the director of development and the board of 28032  
education of each school district of which a municipal corporation 28033  
or township to which such an agreement applies is a part a report 28034  
on all such agreements in effect during the preceding calendar 28035  
year. The report shall include the following information: 28036

(1) The designation, assigned by the director of development, 28037  
of each community reinvestment area within the municipal 28038  
corporation or county, and the total population of each area 28039  
according to the most recent data available; 28040

(2) The number of agreements and the number of full-time 28041  
employees subject to those agreements within each area, each 28042  
according to the most recent data available and identified and 28043  
categorized by the appropriate standard industrial code, and the 28044  
rate of unemployment in the municipal corporation or county in 28045  
which the area is located for each year since the area was 28046  
certified; 28047

(3) The number of agreements approved and executed during the 28048  
calendar year for which the report is submitted, the total number 28049  
of agreements in effect on the thirty-first day of December of the 28050  
preceding calendar year, the number of agreements that expired 28051  
during the calendar year for which the report is submitted, and 28052  
the number of agreements scheduled to expire during the calendar 28053  
year in which the report is submitted. For each agreement that 28054  
expired during the calendar year for which the report is 28055  
submitted, the legislative authority shall include the amount of 28056  
taxes exempted under the agreement. 28057

(4) The number of agreements receiving compliance reviews by 28058  
the tax incentive review council in the municipal corporation or 28059  
county during the calendar year for which the report is submitted, 28060  
including all of the following information: 28061

(a) The number of agreements the terms of which the party has 28062  
complied with, indicating separately for each such agreement the 28063  
value of the real property exempted pursuant to the agreement and 28064  
a comparison of the stipulated and actual schedules for hiring new 28065  
employees, for retaining existing employees, and for the amount of 28066  
payroll of the party attributable to these employees; 28067

(b) The number of agreements the terms of which a party has 28068  
failed to comply with, indicating separately for each such 28069  
agreement the value of the real and personal property exempted 28070  
pursuant to the agreement and a comparison of the stipulated and 28071  
actual schedules for hiring new employees, for retaining existing 28072  
employees, and for the amount of payroll of the enterprise 28073  
attributable to these employees; 28074

(c) The number of agreements about which the tax incentive 28075  
review council made recommendations to the legislative authority, 28076  
and the number of such recommendations that have not been 28077  
followed; 28078

(d) The number of agreements rescinded during the calendar 28079  
year for which the report is submitted. 28080

(5) The number of parties subject to agreements that expanded 28081  
within each area, including the number of new employees hired and 28082  
existing employees retained by that party, and the number of new 28083  
parties subject to agreements that established within each area, 28084  
including the number of new employees hired by each party; 28085

(6) For each agreement in effect during any part of the 28086  
preceding year, the number of employees employed by the party at 28087  
the property that is the subject of the agreement immediately 28088



prior to formal approval of the agreement, the number of employees 28089  
employed by the party at that property on the thirty-first day of 28090  
December of the preceding year, the payroll of the party for the 28091  
preceding year, the amount of taxes paid on real property that was 28092  
exempted under the agreement, and the amount of such taxes that 28093  
were not paid because of the exemption. 28094

(B) Upon the failure of a municipal corporation or county to 28095  
comply with division (A) of this section: 28096

(1) Beginning on the first day of April of the calendar year 28097  
in which the municipal corporation or county fails to comply with 28098  
that division, the municipal corporation or county shall not enter 28099  
into any agreements under section 3735.671 of the Revised Code 28100  
until the municipal corporation or county has complied with 28101  
division (A) of this section. 28102

(2) On the first day of each ensuing calendar month until the 28103  
municipal corporation or county complies with that division, the 28104  
director of development shall either order the proper county 28105  
auditor to deduct from the next succeeding payment of taxes to the 28106  
municipal corporation or county under section 321.31, 321.32, 28107  
321.33, or 321.34 of the Revised Code an amount equal to five 28108  
hundred dollars for each calendar month the municipal corporation 28109  
or county fails to comply with that division, or order the county 28110  
auditor to deduct such an amount from the next succeeding payment 28111  
to the municipal corporation or county from the undivided local 28112  
~~government~~ communities fund under section 5747.51 of the Revised 28113  
Code. At the time such a payment is made, the county auditor shall 28114  
comply with the director's order by issuing a warrant, drawn on 28115  
the fund from which such money would have been paid, to the 28116  
director of development, who shall deposit the warrant into the 28117  
state community reinvestment area program administration fund 28118  
created in division (C) of this section. 28119

(C) The director, by rule, shall establish the state's 28120

application fee for applications submitted to a municipal 28121  
corporation or county to enter into an agreement under section 28122  
3735.671 of the Revised Code. In establishing the amount of the 28123  
fee, the director shall consider the state's cost of administering 28124  
the community reinvestment area program, including the cost of 28125  
reviewing the reports required under division (A) of this section. 28126  
The director may change the amount of the fee at such times and in 28127  
such increments as ~~he~~ the director considers necessary. Any 28128  
municipal corporation or county that receives an application shall 28129  
collect the application fee and remit the fee for deposit in the 28130  
state treasury to the credit of the ~~state community reinvestment~~ 28131  
~~area program administration fund, which is hereby created. Money~~ 28132  
~~credited to the fund shall be used by the department of~~ 28133  
~~development to pay the costs of administering the community~~ 28134  
~~reinvestment area program, including the cost of reviewing the~~ 28135  
~~reports required under division (A) of this section~~ tax incentive 28136  
programs operating fund created in section 122.174 of the Revised 28137  
Code. 28138

**Sec. 3745.11.** (A) Applicants for and holders of permits, 28139  
licenses, variances, plan approvals, and certifications issued by 28140  
the director of environmental protection pursuant to Chapters 28141  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 28142  
to the environmental protection agency for each such issuance and 28143  
each application for an issuance as provided by this section. No 28144  
fee shall be charged for any issuance for which no application has 28145  
been submitted to the director. 28146

(B) Each person who is issued a permit to install prior to 28147  
July 1, 2003, pursuant to rules adopted under division (F) of 28148  
section 3704.03 of the Revised Code shall pay the fees specified 28149  
in the following schedules: 28150

(1) Fuel-burning equipment (boilers) 28151

Input capacity (maximum)		28152
(million British thermal units per hour)	Permit to install	28153
Greater than 0, but less than 10	\$ 200	28154
10 or more, but less than 100	400	28155
100 or more, but less than 300	800	28156
300 or more, but less than 500	1500	28157
500 or more, but less than 1000	2500	28158
1000 or more, but less than 5000	4000	28159
5000 or more	6000	28160
Units burning exclusively natural gas, number two fuel oil,		28161
or both shall be assessed a fee that is one-half of the applicable		28162
amount established in division (F)(1) of this section.		28163
(2) Incinerators		28164
Input capacity (pounds per hour)	Permit to install	28165
0 to 100	\$ 100	28166
101 to 500	400	28167
501 to 2000	750	28168
2001 to 20,000	1000	28169
more than 20,000	2500	28170
(3)(a) Process		28171
Process weight rate (pounds per hour)	Permit to install	28172
0 to 1000	\$ 200	28173
1001 to 5000	400	28174
5001 to 10,000	600	28175
10,001 to 50,000	800	28176
more than 50,000	1000	28177
In any process where process weight rate cannot be		28178
ascertained, the minimum fee shall be assessed.		28179
(b) Notwithstanding division (B)(3)(a) of this section, any		28180
person issued a permit to install pursuant to rules adopted under		28181
division (F) of section 3704.03 of the Revised Code shall pay the		28182
fees established in division (B)(3)(c) of this section for a		28183

process used in any of the following industries, as identified by 28184  
the applicable four-digit standard industrial classification code 28185  
according to the Standard Industrial Classification Manual 28186  
published by the United States office of management and budget in 28187  
the executive office of the president, 1972, as revised: 28188

1211 Bituminous coal and lignite mining; 28189

1213 Bituminous coal and lignite mining services; 28190

1411 Dimension stone; 28191

1422 Crushed and broken limestone; 28192

1427 Crushed and broken stone, not elsewhere classified; 28193

1442 Construction sand and gravel; 28194

1446 Industrial sand; 28195

3281 Cut stone and stone products; 28196

3295 Minerals and earth, ground or otherwise treated. 28197

(c) The fees established in the following schedule apply to 28198  
the issuance of a permit to install pursuant to rules adopted 28199  
under division (F) of section 3704.03 of the Revised Code for a 28200  
process listed in division (B)(3)(b) of this section: 28201

Process weight rate (pounds per hour)	Permit to install	
0 to 1000	\$ 200	28203
10,001 to 50,000	300	28204
50,001 to 100,000	400	28205
100,001 to 200,000	500	28206
200,001 to 400,000	600	28207
400,001 or more	700	28208

(4) Storage tanks 28209

Gallons (maximum useful capacity)	Permit to install	
0 to 20,000	\$ 100	28211
20,001 to 40,000	150	28212

40,001 to 100,000	200	28213
100,001 to 250,000	250	28214
250,001 to 500,000	350	28215
500,001 to 1,000,000	500	28216
1,000,001 or greater	750	28217
(5) Gasoline/fuel dispensing facilities		28218
For each gasoline/fuel dispensing facility	Permit to install	28219
	\$ 100	28220
(6) Dry cleaning facilities		28221
For each dry cleaning facility	Permit to install	28222
(includes all units at the facility)	\$ 100	28223
(7) Registration status		28224
For each source covered by registration status	Permit to install	28225
	\$ 75	28226
(C)(1) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay the fees set forth in division (C)(1) of this section. For the purposes of that division, total emissions of air contaminants may be calculated using engineering calculations, emissions factors, material balance calculations, or performance testing procedures, as authorized by the director.		28227 28228 28229 28230 28231 28232 28233 28234 28235
The following fees shall be assessed on the total actual emissions from a source in tons per year of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead:		28236 28237 28238 28239
(a) Fifteen dollars per ton on the total actual emissions of each such regulated pollutant during the period July through December 1993, to be collected no sooner than July 1, 1994;		28240 28241 28242
(b) Twenty dollars per ton on the total actual emissions of		28243

each such regulated pollutant during calendar year 1994, to be 28244  
collected no sooner than April 15, 1995; 28245

(c) Twenty-five dollars per ton on the total actual emissions 28246  
of each such regulated pollutant in calendar year 1995, and each 28247  
subsequent calendar year, to be collected no sooner than the 28248  
fifteenth day of April of the year next succeeding the calendar 28249  
year in which the emissions occurred. 28250

The fees levied under division (C)(1) of this section do not 28251  
apply to that portion of the emissions of a regulated pollutant at 28252  
a facility that exceed four thousand tons during a calendar year. 28253

(2) The fees assessed under division (C)(1) of this section 28254  
are for the purpose of providing funding for the Title V permit 28255  
program. 28256

(3) The fees assessed under division (C)(1) of this section 28257  
do not apply to emissions from any electric generating unit 28258  
designated as a Phase I unit under Title IV of the federal Clean 28259  
Air Act prior to calendar year 2000. Those fees shall be assessed 28260  
on the emissions from such a generating unit commencing in 28261  
calendar year 2001 based upon the total actual emissions from the 28262  
generating unit during calendar year 2000 and shall continue to be 28263  
assessed each subsequent calendar year based on the total actual 28264  
emissions from the generating unit during the preceding calendar 28265  
year. 28266

(4) The director shall issue invoices to owners or operators 28267  
of air contaminant sources who are required to pay a fee assessed 28268  
under division (C) or (D) of this section. Any such invoice shall 28269  
be issued no sooner than the applicable date when the fee first 28270  
may be collected in a year under the applicable division, shall 28271  
identify the nature and amount of the fee assessed, and shall 28272  
indicate that the fee is required to be paid within thirty days 28273  
after the issuance of the invoice. 28274

(D)(1) Except as provided in division (D)(3) of this section, 28275  
from January 1, 1994, through December 31, 2003, each person who 28276  
owns or operates an air contaminant source; who is required to 28277  
apply for a permit to operate pursuant to rules adopted under 28278  
division (G), or a variance pursuant to division (H), of section 28279  
3704.03 of the Revised Code; and who is not required to apply for 28280  
and obtain a Title V permit under section 3704.036 of the Revised 28281  
Code shall pay a single fee based upon the sum of the actual 28282  
annual emissions from the facility of the regulated pollutants 28283  
particulate matter, sulfur dioxide, nitrogen oxides, organic 28284  
compounds, and lead in accordance with the following schedule: 28285

Total tons per year		28286
of regulated pollutants	Annual fee	28287
emitted	per facility	28288
More than 0, but less than 50	\$ 75	28289
50 or more, but less than 100	300	28290
100 or more	700	28291

(2) Except as provided in division (D)(3) of this section, 28292  
beginning January 1, 2004, each person who owns or operates an air 28293  
contaminant source; who is required to apply for a permit to 28294  
operate pursuant to rules adopted under division (G), or a 28295  
variance pursuant to division (H), of section 3704.03 of the 28296  
Revised Code; and who is not required to apply for and obtain a 28297  
Title V permit under section 3704.03 of the Revised Code shall pay 28298  
a single fee based upon the sum of the actual annual emissions 28299  
from the facility of the regulated pollutants particulate matter, 28300  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 28301  
accordance with the following schedule: 28302

Total tons per year		28303
of regulated pollutants	Annual fee	28304
emitted	per facility	28305
More than 0, but less than 10	\$ 100	28306

10 or more, but less than 50	200	28307
50 or more, but less than 100	300	28308
100 or more	700	28309

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2008~~ 2010, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility	
Less than 10	\$ 170	28322
10 or more, but less than 20	340	28327
20 or more, but less than 30	670	28328
30 or more, but less than 40	1,010	28329
40 or more, but less than 50	1,340	28330
50 or more, but less than 60	1,680	28331
60 or more, but less than 70	2,010	28332
70 or more, but less than 80	2,350	28333
80 or more, but less than 90	2,680	28334
90 or more, but less than 100	3,020	28335
100 or more	3,350	28336

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of



April, commencing in 1995. The fees assessed under division (D)(2) 28339  
of this section shall be collected annually no sooner than the 28340  
fifteenth day of April, commencing in 2005. The fees assessed 28341  
under division (D)(3) of this section shall be collected no sooner 28342  
than the fifteenth day of April, commencing in 2000. The fees 28343  
assessed under division (D) of this section in a calendar year 28344  
shall be based upon the sum of the actual emissions of those 28345  
regulated pollutants during the preceding calendar year. For the 28346  
purpose of division (D) of this section, emissions of air 28347  
contaminants may be calculated using engineering calculations, 28348  
emission factors, material balance calculations, or performance 28349  
testing procedures, as authorized by the director. The director, 28350  
by rule, may require persons who are required to pay the fees 28351  
assessed under division (D) of this section to pay those fees 28352  
biennially rather than annually. 28353

(E)(1) Consistent with the need to cover the reasonable costs 28354  
of the Title V permit program, the director annually shall 28355  
increase the fees prescribed in division (C)(1) of this section by 28356  
the percentage, if any, by which the consumer price index for the 28357  
most recent calendar year ending before the beginning of a year 28358  
exceeds the consumer price index for calendar year 1989. Upon 28359  
calculating an increase in fees authorized by division (E)(1) of 28360  
this section, the director shall compile revised fee schedules for 28361  
the purposes of division (C)(1) of this section and shall make the 28362  
revised schedules available to persons required to pay the fees 28363  
assessed under that division and to the public. 28364

(2) For the purposes of division (E)(1) of this section: 28365

(a) The consumer price index for any year is the average of 28366  
the consumer price index for all urban consumers published by the 28367  
United States department of labor as of the close of the 28368  
twelve-month period ending on the thirty-first day of August of 28369  
that year. 28370

(b) If the 1989 consumer price index is revised, the director 28371  
shall use the revision of the consumer price index that is most 28372  
consistent with that for calendar year 1989. 28373

(F) Each person who is issued a permit to install pursuant to 28374  
rules adopted under division (F) of section 3704.03 of the Revised 28375  
Code on or after July 1, 2003, shall pay the fees specified in the 28376  
following schedules: 28377

(1) Fuel-burning equipment (boilers, furnaces, or process 28378  
heaters used in the process of burning fuel for the primary 28379  
purpose of producing heat or power by indirect heat transfer) 28380  
Input capacity (maximum) 28381  
(million British thermal units per hour) Permit to install 28382  
Greater than 0, but less than 10 \$ 200 28383  
10 or more, but less than 100 400 28384  
100 or more, but less than 300 1000 28385  
300 or more, but less than 500 2250 28386  
500 or more, but less than 1000 3750 28387  
1000 or more, but less than 5000 6000 28388  
5000 or more 9000 28389

Units burning exclusively natural gas, number two fuel oil, 28390  
or both shall be assessed a fee that is one-half the applicable 28391  
amount shown in division (F)(1) of this section. 28392

(2) Combustion turbines and stationary internal combustion 28393  
engines designed to generate electricity 28394  
Generating capacity (mega watts) Permit to install 28395  
0 or more, but less than 10 \$ 25 28396  
10 or more, but less than 25 150 28397  
25 or more, but less than 50 300 28398  
50 or more, but less than 100 500 28399  
100 or more, but less than 250 1000 28400  
250 or more 2000 28401

(3) Incinerators		28402
Input capacity (pounds per hour)	Permit to install	28403
0 to 100	\$ 100	28404
101 to 500	500	28405
501 to 2000	1000	28406
2001 to 20,000	1500	28407
more than 20,000	3750	28408
(4)(a) Process		28409
Process weight rate (pounds per hour)	Permit to install	28410
0 to 1000	\$ 200	28411
1001 to 5000	500	28412
5001 to 10,000	750	28413
10,001 to 50,000	1000	28414
more than 50,000	1250	28415
In any process where process weight rate cannot be		28416
ascertained, the minimum fee shall be assessed. A boiler, furnace,		28417
combustion turbine, stationary internal combustion engine, or		28418
process heater designed to provide direct heat or power to a		28419
process not designed to generate electricity shall be assessed a		28420
fee established in division (F)(4)(a) of this section. A		28421
combustion turbine or stationary internal combustion engine		28422
designed to generate electricity shall be assessed a fee		28423
established in division (F)(2) of this section.		28424
(b) Notwithstanding division (F)(4)(a) of this section, any		28425
person issued a permit to install pursuant to rules adopted under		28426
division (F) of section 3704.03 of the Revised Code shall pay the		28427
fees set forth in division (F)(4)(c) of this section for a process		28428
used in any of the following industries, as identified by the		28429
applicable two-digit, three-digit, or four-digit standard		28430
industrial classification code according to the Standard		28431
Industrial Classification Manual published by the United States		28432
office of management and budget in the executive office of the		28433

president, 1987, as revised:		28434
Major group 10, metal mining;		28435
Major group 12, coal mining;		28436
Major group 14, mining and quarrying of nonmetallic minerals;		28437
Industry group 204, grain mill products;		28438
2873 Nitrogen fertilizers;		28439
2874 Phosphatic fertilizers;		28440
3281 Cut stone and stone products;		28441
3295 Minerals and earth, ground or otherwise treated;		28442
4221 Grain elevators (storage only);		28443
5159 Farm related raw materials;		28444
5261 Retail nurseries and lawn and garden supply stores.		28445
(c) The fees set forth in the following schedule apply to the		28446
issuance of a permit to install pursuant to rules adopted under		28447
division (F) of section 3704.03 of the Revised Code for a process		28448
identified in division (F)(4)(b) of this section:		28449
Process weight rate (pounds per	Permit to install	28450
hour)		
0 to 10,000	\$ 200	28451
10,001 to 50,000	400	28452
50,001 to 100,000	500	28453
100,001 to 200,000	600	28454
200,001 to 400,000	750	28455
400,001 or more	900	28456
(5) Storage tanks		28457
Gallons (maximum useful capacity)	Permit to install	28458
0 to 20,000	\$ 100	28459
20,001 to 40,000	150	28460
40,001 to 100,000	250	28461

100,001 to 500,000	400	28462
500,001 or greater	750	28463
(6) Gasoline/fuel dispensing facilities		28464
For each gasoline/fuel		28465
dispensing facility (includes all	Permit to install	28466
units at the facility)	\$ 100	28467
(7) Dry cleaning facilities		28468
For each dry cleaning		28469
facility (includes all units	Permit to install	28470
at the facility)	\$ 100	28471
(8) Registration status		28472
For each source covered	Permit to install	28473
by registration status	\$ 75	28474
(G) An owner or operator who is responsible for an asbestos		28475
demolition or renovation project pursuant to rules adopted under		28476
section 3704.03 of the Revised Code shall pay the fees set forth		28477
in the following schedule:		28478
Action	Fee	28479
Each notification	\$75	28480
Asbestos removal	\$3/unit	28481
Asbestos cleanup	\$4/cubic yard	28482
For purposes of this division, "unit" means any combination of		28483
linear feet or square feet equal to fifty.		28484
(H) A person who is issued an extension of time for a permit		28485
to install an air contaminant source pursuant to rules adopted		28486
under division (F) of section 3704.03 of the Revised Code shall		28487
pay a fee equal to one-half the fee originally assessed for the		28488
permit to install under this section, except that the fee for such		28489
an extension shall not exceed two hundred dollars.		28490
(I) A person who is issued a modification to a permit to		28491
install an air contaminant source pursuant to rules adopted under		28492

section 3704.03 of the Revised Code shall pay a fee equal to 28493  
one-half of the fee that would be assessed under this section to 28494  
obtain a permit to install the source. The fee assessed by this 28495  
division only applies to modifications that are initiated by the 28496  
owner or operator of the source and shall not exceed two thousand 28497  
dollars. 28498

(J) Notwithstanding division (B) or (F) of this section, a 28499  
person who applies for or obtains a permit to install pursuant to 28500  
rules adopted under division (F) of section 3704.03 of the Revised 28501  
Code after the date actual construction of the source began shall 28502  
pay a fee for the permit to install that is equal to twice the fee 28503  
that otherwise would be assessed under the applicable division 28504  
unless the applicant received authorization to begin construction 28505  
under division (W) of section 3704.03 of the Revised Code. This 28506  
division only applies to sources for which actual construction of 28507  
the source begins on or after July 1, 1993. The imposition or 28508  
payment of the fee established in this division does not preclude 28509  
the director from taking any administrative or judicial 28510  
enforcement action under this chapter, Chapter 3704., 3714., 28511  
3734., or 6111. of the Revised Code, or a rule adopted under any 28512  
of them, in connection with a violation of rules adopted under 28513  
division (F) of section 3704.03 of the Revised Code. 28514

As used in this division, "actual construction of the source" 28515  
means the initiation of physical on-site construction activities 28516  
in connection with improvements to the source that are permanent 28517  
in nature, including, without limitation, the installation of 28518  
building supports and foundations and the laying of underground 28519  
pipework. 28520

(K) Fifty cents per ton of each fee assessed under division 28521  
(C) of this section on actual emissions from a source and received 28522  
by the environmental protection agency pursuant to that division 28523  
shall be deposited into the state treasury to the credit of the 28524

small business assistance fund created in section 3706.19 of the Revised Code. The remainder of the moneys received by the division pursuant to that division and moneys received by the agency pursuant to divisions (D), (F), (G), (H), (I), and (J) of this section shall be deposited in the state treasury to the credit of the clean air fund created in section 3704.035 of the Revised Code.

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) or (c) of this section, a person issued a water discharge permit or renewal of a water discharge permit pursuant to Chapter 6111. of the Revised Code shall pay a fee based on each point source to which the issuance is applicable in accordance with the following schedule:

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	
1,001 to 5000	100	
5,001 to 50,000	200	
50,001 to 100,000	300	
100,001 to 300,000	525	
over 300,000	750	

(b) Notwithstanding the fee schedule specified in division (L)(1)(a) of this section, the fee for a water discharge permit that is applicable to coal mining operations regulated under Chapter 1513. of the Revised Code shall be two hundred fifty dollars per mine.

(c) Notwithstanding the fee schedule specified in division (L)(1)(a) of this section, the fee for a water discharge permit for a public discharger identified by I in the third character of the permittee's NPDES permit number shall not exceed seven hundred fifty dollars.

(2) A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46

of the Revised Code shall pay a fee of one hundred dollars plus 28557  
sixty-five one-hundredths of one per cent of the estimated project 28558  
cost through June 30, ~~2008~~ 2010, and one hundred dollars plus 28559  
two-tenths of one per cent of the estimated project cost on and 28560  
after July 1, ~~2008~~ 2010, except that the total fee shall not 28561  
exceed fifteen thousand dollars through June 30, ~~2008~~ 2010, and 28562  
five thousand dollars on and after July 1, ~~2008~~ 2010. The fee 28563  
shall be paid at the time the application is submitted. 28564

(3) A person issued a modification of a water discharge 28565  
permit shall pay a fee equal to one-half the fee that otherwise 28566  
would be charged for a water discharge permit, except that the fee 28567  
for the modification shall not exceed four hundred dollars. 28568

(4) A person who has entered into an agreement with the 28569  
director under section 6111.14 of the Revised Code shall pay an 28570  
administrative service fee for each plan submitted under that 28571  
section for approval that shall not exceed the minimum amount 28572  
necessary to pay administrative costs directly attributable to 28573  
processing plan approvals. The director annually shall calculate 28574  
the fee and shall notify all persons who have entered into 28575  
agreements under that section, or who have applied for agreements, 28576  
of the amount of the fee. 28577

(5)(a)(i) Not later than January 30, ~~2006~~ 2008, and January 28578  
30, ~~2007~~ 2009, a person holding an NPDES discharge permit issued 28579  
pursuant to Chapter 6111. of the Revised Code with an average 28580  
daily discharge flow of five thousand gallons or more shall pay a 28581  
nonrefundable annual discharge fee. Any person who fails to pay 28582  
the fee at that time shall pay an additional amount that equals 28583  
ten per cent of the required annual discharge fee. 28584

(ii) The billing year for the annual discharge fee 28585  
established in division (L)(5)(a)(i) of this section shall consist 28586  
of a twelve-month period beginning on the first day of January of 28587  
the year preceding the date when the annual discharge fee is due. 28588



In the case of an existing source that permanently ceases to discharge during a billing year, the director shall reduce the annual discharge fee, including the surcharge applicable to certain industrial facilities pursuant to division (L)(5)(c) of this section, by one-twelfth for each full month during the billing year that the source was not discharging, but only if the person holding the NPDES discharge permit for the source notifies the director in writing, not later than the first day of October of the billing year, of the circumstances causing the cessation of discharge.

(iii) The annual discharge fee established in division (L)(5)(a)(i) of this section, except for the surcharge applicable to certain industrial facilities pursuant to division (L)(5)(c) of this section, shall be based upon the average daily discharge flow in gallons per day calculated using first day of May through thirty-first day of October flow data for the period two years prior to the date on which the fee is due. In the case of NPDES discharge permits for new sources, the fee shall be calculated using the average daily design flow of the facility until actual average daily discharge flow values are available for the time period specified in division (L)(5)(a)(iii) of this section. The annual discharge fee may be prorated for a new source as described in division (L)(5)(a)(ii) of this section.

(b) An NPDES permit holder that is a public discharger shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by	
	January 30,	
	<del>2006</del> <u>2008</u> , and	
	January 30, <del>2007</del>	
	<u>2009</u>	
5,000 to 49,999	\$ 200	
50,000 to 100,000	500	

100,001 to 250,000	1,050	28620
250,001 to 1,000,000	2,600	28621
1,000,001 to 5,000,000	5,200	28622
5,000,001 to 10,000,000	10,350	28623
10,000,001 to 20,000,000	15,550	28624
20,000,001 to 50,000,000	25,900	28625
50,000,001 to 100,000,000	41,400	28626
100,000,001 or more	62,100	28627

Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand shall pay an annual discharge fee under division (L)(5)(b) of this section that is based on the combined average daily discharge flow of the treatment works.

(c) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by January 30, <del>2006</del> <u>2008</u> , and January 30, <del>2007</del> <u>2009</u>	
5,000 to 49,999	\$ 250	28644
50,000 to 250,000	1,200	28645
250,001 to 1,000,000	2,950	28646
1,000,001 to 5,000,000	5,850	28647
5,000,001 to 10,000,000	8,800	28648
10,000,001 to 20,000,000	11,700	28649
20,000,001 to 100,000,000	14,050	28650

100,000,001 to 250,000,000	16,400	28651
250,000,001 or more	18,700	28652

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2006~~ 2008, and not later than January 30, ~~2007~~ 2009. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2006~~ 2008, and not later than January 30, ~~2007~~ 2009. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6) Each person obtaining a national pollutant discharge elimination system general or individual permit for municipal storm water discharge shall pay a nonrefundable storm water discharge fee of one hundred dollars per square mile of area permitted. The fee shall not exceed ten thousand dollars and shall be payable on or before January 30, 2004, and the thirtieth day of January of each year thereafter. Any person who fails to pay the fee on the date specified in division (L)(6) of this section shall pay an additional amount per year equal to ten per cent of the annual fee that is unpaid.

(7) The director shall transmit all moneys collected under

division (L) of this section to the treasurer of state for deposit 28683  
into the state treasury to the credit of the surface water 28684  
protection fund created in section 6111.038 of the Revised Code. 28685

(8) As used in division (L) of this section: 28686

(a) "NPDES" means the federally approved national pollutant 28687  
discharge elimination system program for issuing, modifying, 28688  
revoking, reissuing, terminating, monitoring, and enforcing 28689  
permits and imposing and enforcing pretreatment requirements under 28690  
Chapter 6111. of the Revised Code and rules adopted under it. 28691

(b) "Public discharger" means any holder of an NPDES permit 28692  
identified by P in the second character of the NPDES permit number 28693  
assigned by the director. 28694

(c) "Industrial discharger" means any holder of an NPDES 28695  
permit identified by I in the second character of the NPDES permit 28696  
number assigned by the director. 28697

(d) "Major discharger" means any holder of an NPDES permit 28698  
classified as major by the regional administrator of the United 28699  
States environmental protection agency in conjunction with the 28700  
director. 28701

(M) Through June 30, ~~2008~~ 2010, a person applying for a 28702  
license or license renewal to operate a public water system under 28703  
section 6109.21 of the Revised Code shall pay the appropriate fee 28704  
established under this division at the time of application to the 28705  
director. Any person who fails to pay the fee at that time shall 28706  
pay an additional amount that equals ten per cent of the required 28707  
fee. The director shall transmit all moneys collected under this 28708  
division to the treasurer of state for deposit into the drinking 28709  
water protection fund created in section 6109.30 of the Revised 28710  
Code. 28711

Except as provided in division (M)(4) of this section, fees 28712  
required under this division shall be calculated and paid in 28713

accordance with the following schedule: 28714

(1) For the initial license required under division (A)(1) of 28715  
section 6109.21 of the Revised Code for any public water system 28716  
that is a community water system as defined in section 6109.01 of 28717  
the Revised Code, and for each license renewal required for such a 28718  
system prior to January 31, ~~2008~~ 2010, the fee is: 28719

Number of service connections	Fee amount	
Not more than 49	\$ 112	28721
50 to 99	176	28722
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	28724
2,500 to 4,999	1.48	28725
5,000 to 7,499	1.42	28726
7,500 to 9,999	1.34	28727
10,000 to 14,999	1.16	28728
15,000 to 24,999	1.10	28729
25,000 to 49,999	1.04	28730
50,000 to 99,999	.92	28731
100,000 to 149,999	.86	28732
150,000 to 199,999	.80	28733
200,000 or more	.76	28734

A public water system may determine how it will pay the total 28735  
amount of the fee calculated under division (M)(1) of this 28736  
section, including the assessment of additional user fees that may 28737  
be assessed on a volumetric basis. 28738

As used in division (M)(1) of this section, "service 28739  
connection" means the number of active or inactive pipes, 28740  
goosenecks, pigtails, and any other fittings connecting a water 28741  
main to any building outlet. 28742

(2) For the initial license required under division (A)(2) of 28743  
section 6109.21 of the Revised Code for any public water system 28744  
that is not a community water system and serves a nontransient 28745

population, and for each license renewal required for such a 28746  
 system prior to January 31, ~~2008~~ 2010, the fee is: 28747

Population served	Fee amount	
Fewer than 150	\$ 112	28749
150 to 299	176	28750
300 to 749	384	28751
750 to 1,499	628	28752
1,500 to 2,999	1,268	28753
3,000 to 7,499	2,816	28754
7,500 to 14,999	5,510	28755
15,000 to 22,499	9,048	28756
22,500 to 29,999	12,430	28757
30,000 or more	16,820	28758

As used in division (M)(2) of this section, "population 28759  
 served" means the total number of individuals receiving water from 28760  
 the water supply during a twenty-four-hour period for at least 28761  
 sixty days during any calendar year. In the absence of a specific 28762  
 population count, that number shall be calculated at the rate of 28763  
 three individuals per service connection. 28764

(3) For the initial license required under division (A)(3) of 28765  
 section 6109.21 of the Revised Code for any public water system 28766  
 that is not a community water system and serves a transient 28767  
 population, and for each license renewal required for such a 28768  
 system prior to January 31, ~~2008~~ 2010, the fee is: 28769

Number of wells supplying system	Fee amount	
1	\$112	28771
2	112	28772
3	176	28773
4	278	28774
5	568	28775
System designated as using a		28776
surface water source	792	28777

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

MMO-MUG	\$2,000	28809
MF	2,100	28810
MMO-MUG and MF	2,550	28811
organic chemical	5,400	28812
trace metals	5,400	28813
standard chemistry	2,800	28814
limited chemistry	1,550	28815

On and after July 1, ~~2008~~ 2010, the following fee, on a per  
survey basis, shall be charged any such person:

microbiological	\$ 1,650	28818
organic chemicals	3,500	28819
trace metals	3,500	28820
standard chemistry	1,800	28821
limited chemistry	1,000	28822

The fee for those services shall be paid at the time the request  
for the survey is made. Through June 30, ~~2008~~ 2010, an individual  
laboratory shall not be assessed a fee under this division more  
than once in any three-year period unless the person requests the  
addition of analytical methods or analysts, in which case the  
person shall pay eighteen hundred dollars for each additional  
survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means microfiltration.
- (b) "MMO" means minimal medium ONPG.
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

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.



(O) Any person applying to the director for examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code, at the time the application is submitted, shall pay an application fee of forty-five dollars through November 30, ~~2008~~ 2010, and twenty-five dollars on and after December 1, ~~2008~~ 2010. Upon approval from the director that the applicant is eligible to take the examination therefor, the applicant shall pay a fee in accordance with the following schedule through November 30, ~~2008~~ 2010:

Class A operator	\$35	28849
Class I operator	60	28850
Class II operator	75	28851
Class III operator	85	28852
Class IV operator	100	28853

On and after December 1, ~~2008~~ 2010, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$25	28856
Class I operator	\$45	28857
Class II operator	55	28858
Class III operator	65	28859
Class IV operator	75	28860

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	28864
Class I operator	35	28865
Class II operator	45	28866
Class III operator	55	28867
Class IV operator	65	28868

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 28871  
certification renewal fee in accordance with the following 28872  
schedule: 28873

Class A operator	\$45	28874
Class I operator	55	28875
Class II operator	65	28876
Class III operator	75	28877
Class IV operator	85	28878

A person who requests a replacement certificate shall pay a 28879  
fee of twenty-five dollars at the time the request is made. 28880

The director shall transmit all moneys collected under this 28881  
division to the treasurer of state for deposit into the drinking 28882  
water protection fund created in section 6109.30 of the Revised 28883  
Code. 28884

(P) Any person submitting an application for an industrial 28885  
water pollution control certificate under section 6111.31 of the 28886  
Revised Code, as that section existed before its repeal by H.B. 95 28887  
of the 125th general assembly, shall pay a nonrefundable fee of 28888  
five hundred dollars at the time the application is submitted. The 28889  
director shall transmit all moneys collected under this division 28890  
to the treasurer of state for deposit into the surface water 28891  
protection fund created in section 6111.038 of the Revised Code. A 28892  
person paying a certificate fee under this division shall not pay 28893  
an application fee under division (S)(1) of this section. On and 28894  
after June 26, 2003, persons shall file such applications and pay 28895  
the fee as required under sections 5709.20 to 5709.27 of the 28896  
Revised Code, and proceeds from the fee shall be credited as 28897  
provided in section 5709.212 of the Revised Code. 28898

(Q) Except as otherwise provided in division (R) of this 28899  
section, a person issued a permit by the director for a new solid 28900  
waste disposal facility other than an incineration or composting 28901  
facility, a new infectious waste treatment facility other than an 28902

incineration facility, or a modification of such an existing 28903  
facility that includes an increase in the total disposal or 28904  
treatment capacity of the facility pursuant to Chapter 3734. of 28905  
the Revised Code shall pay a fee of ten dollars per thousand cubic 28906  
yards of disposal or treatment capacity, or one thousand dollars, 28907  
whichever is greater, except that the total fee for any such 28908  
permit shall not exceed eighty thousand dollars. A person issued a 28909  
modification of a permit for a solid waste disposal facility or an 28910  
infectious waste treatment facility that does not involve an 28911  
increase in the total disposal or treatment capacity of the 28912  
facility shall pay a fee of one thousand dollars. A person issued 28913  
a permit to install a new, or modify an existing, solid waste 28914  
transfer facility under that chapter shall pay a fee of two 28915  
thousand five hundred dollars. A person issued a permit to install 28916  
a new or to modify an existing solid waste incineration or 28917  
composting facility, or an existing infectious waste treatment 28918  
facility using incineration as its principal method of treatment, 28919  
under that chapter shall pay a fee of one thousand dollars. The 28920  
increases in the permit fees under this division resulting from 28921  
the amendments made by Amended Substitute House Bill 592 of the 28922  
117th general assembly do not apply to any person who submitted an 28923  
application for a permit to install a new, or modify an existing, 28924  
solid waste disposal facility under that chapter prior to 28925  
September 1, 1987; any such person shall pay the permit fee 28926  
established in this division as it existed prior to June 24, 1988. 28927  
In addition to the applicable permit fee under this division, a 28928  
person issued a permit to install or modify a solid waste facility 28929  
or an infectious waste treatment facility under that chapter who 28930  
fails to pay the permit fee to the director in compliance with 28931  
division (V) of this section shall pay an additional ten per cent 28932  
of the amount of the fee for each week that the permit fee is 28933  
late. 28934

Permit and late payment fees paid to the director under this 28935

division shall be credited to the general revenue fund. 28936

(R)(1) A person issued a registration certificate for a scrap 28937  
tire collection facility under section 3734.75 of the Revised Code 28938  
shall pay a fee of two hundred dollars, except that if the 28939  
facility is owned or operated by a motor vehicle salvage dealer 28940  
licensed under Chapter 4738. of the Revised Code, the person shall 28941  
pay a fee of twenty-five dollars. 28942

(2) A person issued a registration certificate for a new 28943  
scrap tire storage facility under section 3734.76 of the Revised 28944  
Code shall pay a fee of three hundred dollars, except that if the 28945  
facility is owned or operated by a motor vehicle salvage dealer 28946  
licensed under Chapter 4738. of the Revised Code, the person shall 28947  
pay a fee of twenty-five dollars. 28948

(3) A person issued a permit for a scrap tire storage 28949  
facility under section 3734.76 of the Revised Code shall pay a fee 28950  
of one thousand dollars, except that if the facility is owned or 28951  
operated by a motor vehicle salvage dealer licensed under Chapter 28952  
4738. of the Revised Code, the person shall pay a fee of fifty 28953  
dollars. 28954

(4) A person issued a permit for a scrap tire monocell or 28955  
monofill facility under section 3734.77 of the Revised Code shall 28956  
pay a fee of ten dollars per thousand cubic yards of disposal 28957  
capacity or one thousand dollars, whichever is greater, except 28958  
that the total fee for any such permit shall not exceed eighty 28959  
thousand dollars. 28960

(5) A person issued a registration certificate for a scrap 28961  
tire recovery facility under section 3734.78 of the Revised Code 28962  
shall pay a fee of one hundred dollars. 28963

(6) A person issued a permit for a scrap tire recovery 28964  
facility under section 3734.78 of the Revised Code shall pay a fee 28965  
of one thousand dollars. 28966

(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

(S)(1) Except as provided by divisions (L), (M), (N), (O), (P), and (S)(2) of this section, division (A)(2) of section 3734.05 of the Revised Code, section 3734.79 of the Revised Code, and rules adopted under division (T)(1) of this section, any person applying for a registration certificate under section 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 shall pay a nonrefundable fee of fifteen dollars at the time the application is submitted.

Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable fee of one hundred dollars at the time the application is submitted through June 30, ~~2008~~ 2010, and a nonrefundable fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2008~~ 2010. Through June 30, ~~2008~~ 2010, any person applying for a national pollutant discharge elimination system permit under Chapter 6111. of the Revised Code shall pay a nonrefundable fee of two hundred dollars at the time of application for the permit. On and after July 1, ~~2008~~ 2010, such a person shall pay a nonrefundable fee of fifteen dollars at the time of application.

In addition to the application fee established under division 28999  
(S)(1) of this section, any person applying for a national 29000  
pollutant discharge elimination system general storm water 29001  
construction permit shall pay a nonrefundable fee of twenty 29002  
dollars per acre for each acre that is permitted above five acres 29003  
at the time the application is submitted. However, the per acreage 29004  
fee shall not exceed three hundred dollars. In addition, any 29005  
person applying for a national pollutant discharge elimination 29006  
system general storm water industrial permit shall pay a 29007  
nonrefundable fee of one hundred fifty dollars at the time the 29008  
application is submitted. 29009

The director shall transmit all moneys collected under 29010  
division (S)(1) of this section pursuant to Chapter 6109. of the 29011  
Revised Code to the treasurer of state for deposit into the 29012  
drinking water protection fund created in section 6109.30 of the 29013  
Revised Code. 29014

The director shall transmit all moneys collected under 29015  
division (S)(1) of this section pursuant to Chapter 6111. of the 29016  
Revised Code to the treasurer of state for deposit into the 29017  
surface water protection fund created in section 6111.038 of the 29018  
Revised Code. 29019

If a registration certificate is issued under section 29020  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 29021  
the application fee paid shall be deducted from the amount of the 29022  
registration certificate fee due under division (R)(1), (2), or 29023  
(5) of this section, as applicable. 29024

If a person submits an electronic application for a 29025  
registration certificate, permit, variance, or plan approval for 29026  
which an application fee is established under division (S)(1) of 29027  
this section, the person shall pay the applicable application fee 29028  
as expeditiously as possible after the submission of the 29029  
electronic application. An application for a registration 29030

certificate, permit, variance, or plan approval for which an 29031  
application fee is established under division (S)(1) of this 29032  
section shall not be reviewed or processed until the applicable 29033  
application fee, and any other fees established under this 29034  
division, are paid. 29035

(2) Division (S)(1) of this section does not apply to an 29036  
application for a registration certificate for a scrap tire 29037  
collection or storage facility submitted under section 3734.75 or 29038  
3734.76 of the Revised Code, as applicable, if the owner or 29039  
operator of the facility or proposed facility is a motor vehicle 29040  
salvage dealer licensed under Chapter 4738. of the Revised Code. 29041

(T) The director may adopt, amend, and rescind rules in 29042  
accordance with Chapter 119. of the Revised Code that do all of 29043  
the following: 29044

(1) Prescribe fees to be paid by applicants for and holders 29045  
of any license, permit, variance, plan approval, or certification 29046  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 29047  
the Revised Code that are not specifically established in this 29048  
section. The fees shall be designed to defray the cost of 29049  
processing, issuing, revoking, modifying, denying, and enforcing 29050  
the licenses, permits, variances, plan approvals, and 29051  
certifications. 29052

The director shall transmit all moneys collected under rules 29053  
adopted under division (T)(1) of this section pursuant to Chapter 29054  
6109. of the Revised Code to the treasurer of state for deposit 29055  
into the drinking water protection fund created in section 6109.30 29056  
of the Revised Code. 29057

The director shall transmit all moneys collected under rules 29058  
adopted under division (T)(1) of this section pursuant to Chapter 29059  
6111. of the Revised Code to the treasurer of state for deposit 29060  
into the surface water protection fund created in section 6111.038 29061

of the Revised Code. 29062

(2) Exempt the state and political subdivisions thereof, 29063  
including education facilities or medical facilities owned by the 29064  
state or a political subdivision, or any person exempted from 29065  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 29066  
any fee required by this section; 29067

(3) Provide for the waiver of any fee, or any part thereof, 29068  
otherwise required by this section whenever the director 29069  
determines that the imposition of the fee would constitute an 29070  
unreasonable cost of doing business for any applicant, class of 29071  
applicants, or other person subject to the fee; 29072

(4) Prescribe measures that the director considers necessary 29073  
to carry out this section. 29074

(U) When the director reasonably demonstrates that the direct 29075  
cost to the state associated with the issuance of a permit to 29076  
install, license, variance, plan approval, or certification 29077  
exceeds the fee for the issuance or review specified by this 29078  
section, the director may condition the issuance or review on the 29079  
payment by the person receiving the issuance or review of, in 29080  
addition to the fee specified by this section, the amount, or any 29081  
portion thereof, in excess of the fee specified under this 29082  
section. The director shall not so condition issuances for which 29083  
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 29084  
section. 29085

(V) Except as provided in divisions (L), (M), and (P) of this 29086  
section or unless otherwise prescribed by a rule of the director 29087  
adopted pursuant to Chapter 119. of the Revised Code, all fees 29088  
required by this section are payable within thirty days after the 29089  
issuance of an invoice for the fee by the director or the 29090  
effective date of the issuance of the license, permit, variance, 29091  
plan approval, or certification. If payment is late, the person 29092



responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late.

(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code.

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code:

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code.

(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:

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;

(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;

(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;

(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;	29123 29124 29125
(e) Emission and ambient monitoring;	29126
(f) Modeling, analyses, or demonstrations;	29127
(g) Preparing inventories and tracking emissions;	29128
(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.	29129 29130 29131 29132 29133 29134 29135
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due.	29136 29137 29138 29139 29140 29141 29142 29143 29144 29145
(2)(a) Except as provided in division (Y)(2)(d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.	29146 29147 29148
(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division (Y)(1) of this section, subject to the following	29149 29150 29151 29152 29153

exceptions: 29154

(i) Except as provided in division (Y)(2)(d) of this section, 29155  
a sewage sludge facility that treats or disposes of exceptional 29156  
quality sludge shall pay a minimum annual sewage sludge fee of one 29157  
hundred dollars. 29158

(ii) A sewage sludge facility that treats or disposes of 29159  
exceptional quality sludge shall not be required to pay the annual 29160  
sludge fee for treatment or disposal in this state of exceptional 29161  
quality sludge generated outside of this state and contained in 29162  
bags or other containers not greater than one hundred pounds in 29163  
capacity. 29164

A thirty-five per cent reduction for exceptional quality 29165  
sludge applies to the maximum annual fees established under 29166  
division (Y)(3) of this section. 29167

(c) A sewage sludge facility that transfers sewage sludge to 29168  
another sewage sludge facility in this state for further treatment 29169  
prior to disposal in this state shall not be required to pay the 29170  
annual sludge fee for the tons of sewage sludge that have been 29171  
transferred. In such a case, the sewage sludge facility that 29172  
disposes of the sewage sludge shall pay the annual sludge fee. 29173  
However, the facility transferring the sewage sludge shall pay the 29174  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 29175  
of this section. 29176

In the case of a sewage sludge facility that treats sewage 29177  
sludge in this state and transfers it out of this state to another 29178  
entity for disposal, the sewage sludge facility in this state 29179  
shall be required to pay the annual sludge fee for the tons of 29180  
sewage sludge that have been transferred. 29181

(d) A sewage sludge facility that generates sewage sludge 29182  
resulting from an average daily discharge flow of less than five 29183  
thousand gallons per day is not subject to the fees assessed under 29184

division (Y) of this section. 29185

(3) No sewage sludge facility required to pay the annual 29186  
sludge fee shall be required to pay more than the maximum annual 29187  
fee for each disposal method that the sewage sludge facility uses. 29188  
The maximum annual fee does not include the additional amount that 29189  
may be charged under division (Y)(5) of this section for late 29190  
payment of the annual sludge fee. The maximum annual fee for the 29191  
following methods of disposal of sewage sludge is as follows: 29192

(a) Incineration: five thousand dollars; 29193

(b) Preexisting land reclamation project or disposal in a 29194  
landfill: five thousand dollars; 29195

(c) Land application, land reclamation, surface disposal, or 29196  
any other disposal method not specified in division (Y)(3)(a) or 29197  
(b) of this section: twenty thousand dollars. 29198

(4)(a) In the case of an entity that generates sewage sludge 29199  
or a sewage sludge facility that treats sewage sludge and 29200  
transfers the sewage sludge to an incineration facility for 29201  
disposal, the incineration facility, and not the entity generating 29202  
the sewage sludge or the sewage sludge facility treating the 29203  
sewage sludge, shall pay the annual sludge fee for the tons of 29204  
sewage sludge that are transferred. However, the entity or 29205  
facility generating or treating the sewage sludge shall pay the 29206  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 29207  
of this section. 29208

(b) In the case of an entity that generates sewage sludge and 29209  
transfers the sewage sludge to a landfill for disposal or to a 29210  
sewage sludge facility for land reclamation or surface disposal, 29211  
the entity generating the sewage sludge, and not the landfill or 29212  
sewage sludge facility, shall pay the annual sludge fee for the 29213  
tons of sewage sludge that are transferred. 29214

(5) Not later than the first day of April of the calendar 29215

year following March 17, 2000, and each first day of April 29216  
thereafter, the director shall issue invoices to persons who are 29217  
required to pay the annual sludge fee. The invoice shall identify 29218  
the nature and amount of the annual sludge fee assessed and state 29219  
the first day of May as the deadline for receipt by the director 29220  
of objections regarding the amount of the fee and the first day of 29221  
July as the deadline for payment of the fee. 29222

Not later than the first day of May following receipt of an 29223  
invoice, a person required to pay the annual sludge fee may submit 29224  
objections to the director concerning the accuracy of information 29225  
regarding the number of dry tons of sewage sludge used to 29226  
calculate the amount of the annual sludge fee or regarding whether 29227  
the sewage sludge qualifies for the exceptional quality sludge 29228  
discount established in division (Y)(2)(b) of this section. The 29229  
director may consider the objections and adjust the amount of the 29230  
fee to ensure that it is accurate. 29231

If the director does not adjust the amount of the annual 29232  
sludge fee in response to a person's objections, the person may 29233  
appeal the director's determination in accordance with Chapter 29234  
119. of the Revised Code. 29235

Not later than the first day of June, the director shall 29236  
notify the objecting person regarding whether the director has 29237  
found the objections to be valid and the reasons for the finding. 29238  
If the director finds the objections to be valid and adjusts the 29239  
amount of the annual sludge fee accordingly, the director shall 29240  
issue with the notification a new invoice to the person 29241  
identifying the amount of the annual sludge fee assessed and 29242  
stating the first day of July as the deadline for payment. 29243

Not later than the first day of July, any person who is 29244  
required to do so shall pay the annual sludge fee. Any person who 29245  
is required to pay the fee, but who fails to do so on or before 29246  
that date shall pay an additional amount that equals ten per cent 29247

of the required annual sludge fee. 29248

(6) The director shall transmit all moneys collected under 29249  
division (Y) of this section to the treasurer of state for deposit 29250  
into the surface water protection fund created in section 6111.038 29251  
of the Revised Code. The moneys shall be used to defray the costs 29252  
of administering and enforcing provisions in Chapter 6111. of the 29253  
Revised Code and rules adopted under it that govern the use, 29254  
storage, treatment, or disposal of sewage sludge. 29255

(7) Beginning in fiscal year 2001, and every two years 29256  
thereafter, the director shall review the total amount of moneys 29257  
generated by the annual sludge fees to determine if that amount 29258  
exceeded six hundred thousand dollars in either of the two 29259  
preceding fiscal years. If the total amount of moneys in the fund 29260  
exceeded six hundred thousand dollars in either fiscal year, the 29261  
director, after review of the fee structure and consultation with 29262  
affected persons, shall issue an order reducing the amount of the 29263  
fees levied under division (Y) of this section so that the 29264  
estimated amount of moneys resulting from the fees will not exceed 29265  
six hundred thousand dollars in any fiscal year. 29266

If, upon review of the fees under division (Y)(7) of this 29267  
section and after the fees have been reduced, the director 29268  
determines that the total amount of moneys collected and 29269  
accumulated is less than six hundred thousand dollars, the 29270  
director, after review of the fee structure and consultation with 29271  
affected persons, may issue an order increasing the amount of the 29272  
fees levied under division (Y) of this section so that the 29273  
estimated amount of moneys resulting from the fees will be 29274  
approximately six hundred thousand dollars. Fees shall never be 29275  
increased to an amount exceeding the amount specified in division 29276  
(Y)(7) of this section. 29277

Notwithstanding section 119.06 of the Revised Code, the 29278  
director may issue an order under division (Y)(7) of this section 29279

without the necessity to hold an adjudicatory hearing in 29280  
connection with the order. The issuance of an order under this 29281  
division is not an act or action for purposes of section 3745.04 29282  
of the Revised Code. 29283

(8) As used in division (Y) of this section: 29284

(a) "Sewage sludge facility" means an entity that performs 29285  
treatment on or is responsible for the disposal of sewage sludge. 29286

(b) "Sewage sludge" means a solid, semi-solid, or liquid 29287  
residue generated during the treatment of domestic sewage in a 29288  
treatment works as defined in section 6111.01 of the Revised Code. 29289  
"Sewage sludge" includes, but is not limited to, scum or solids 29290  
removed in primary, secondary, or advanced wastewater treatment 29291  
processes. "Sewage sludge" does not include ash generated during 29292  
the firing of sewage sludge in a sewage sludge incinerator, grit 29293  
and screenings generated during preliminary treatment of domestic 29294  
sewage in a treatment works, animal manure, residue generated 29295  
during treatment of animal manure, or domestic septage. 29296

(c) "Exceptional quality sludge" means sewage sludge that 29297  
meets all of the following qualifications: 29298

(i) Satisfies the class A pathogen standards in 40 C.F.R. 29299  
503.32(a); 29300

(ii) Satisfies one of the vector attraction reduction 29301  
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 29302

(iii) Does not exceed the ceiling concentration limitations 29303  
for metals listed in table one of 40 C.F.R. 503.13; 29304

(iv) Does not exceed the concentration limitations for metals 29305  
listed in table three of 40 C.F.R. 503.13. 29306

(d) "Treatment" means the preparation of sewage sludge for 29307  
final use or disposal and includes, but is not limited to, 29308  
thickening, stabilization, and dewatering of sewage sludge. 29309

- (e) "Disposal" means the final use of sewage sludge, 29310  
including, but not limited to, land application, land reclamation, 29311  
surface disposal, or disposal in a landfill or an incinerator. 29312
- (f) "Land application" means the spraying or spreading of 29313  
sewage sludge onto the land surface, the injection of sewage 29314  
sludge below the land surface, or the incorporation of sewage 29315  
sludge into the soil for the purposes of conditioning the soil or 29316  
fertilizing crops or vegetation grown in the soil. 29317
- (g) "Land reclamation" means the returning of disturbed land 29318  
to productive use. 29319
- (h) "Surface disposal" means the placement of sludge on an 29320  
area of land for disposal, including, but not limited to, 29321  
monofills, surface impoundments, lagoons, waste piles, or 29322  
dedicated disposal sites. 29323
- (i) "Incinerator" means an entity that disposes of sewage 29324  
sludge through the combustion of organic matter and inorganic 29325  
matter in sewage sludge by high temperatures in an enclosed 29326  
device. 29327
- (j) "Incineration facility" includes all incinerators owned 29328  
or operated by the same entity and located on a contiguous tract 29329  
of land. Areas of land are considered to be contiguous even if 29330  
they are separated by a public road or highway. 29331
- (k) "Annual sludge fee" means the fee assessed under division 29332  
(Y)(1) of this section. 29333
- (l) "Landfill" means a sanitary landfill facility, as defined 29334  
in rules adopted under section 3734.02 of the Revised Code, that 29335  
is licensed under section 3734.05 of the Revised Code. 29336
- (m) "Preexisting land reclamation project" means a 29337  
property-specific land reclamation project that has been in 29338  
continuous operation for not less than five years pursuant to 29339



approval of the activity by the director and includes the 29340  
implementation of a community outreach program concerning the 29341  
activity. 29342

**Sec. 3746.04.** Within one year after September 28, 1994, the 29343  
director of environmental protection, in accordance with Chapter 29344  
119. of the Revised Code and with the advice of the 29345  
multidisciplinary council appointed under section 3746.03 of the 29346  
Revised Code, shall adopt, and subsequently may amend, suspend, or 29347  
rescind, rules that do both of the following: 29348

(A) Revise the rules adopted under Chapters 3704., 3714., 29349  
3734., 6109., and 6111. of the Revised Code to incorporate the 29350  
provisions necessary to conform those rules to the requirements of 29351  
this chapter. The amended rules adopted under this division also 29352  
shall establish response times for all submittals to the 29353  
environmental protection agency required under this chapter or 29354  
rules adopted under it. 29355

(B) Establish requirements and procedures that are reasonably 29356  
necessary for the implementation and administration of this 29357  
chapter, including, without limitation, all of the following: 29358

(1) Appropriate generic numerical clean-up standards for the 29359  
treatment or removal of soils, sediments, and water media for 29360  
hazardous substances and petroleum. The rules shall establish 29361  
separate generic numerical clean-up standards based upon the 29362  
intended use of properties after the completion of voluntary 29363  
actions, including industrial, commercial, and residential uses 29364  
and such other categories of land use as the director considers to 29365  
be appropriate. The generic numerical clean-up standards 29366  
established for each category of land use shall be the 29367  
concentration of each contaminant that may be present on a 29368  
property that shall ensure protection of public health and safety 29369  
and the environment for the reasonable exposure for that category 29370

of land use. When developing the standards, the director shall 29371  
consider such factors as all of the following: 29372

(a) Scientific information, including, without limitation, 29373  
toxicological information and realistic assumptions regarding 29374  
human and environmental exposure to hazardous substances or 29375  
petroleum; 29376

(b) Climatic factors; 29377

(c) Human activity patterns; 29378

(d) Current statistical techniques; 29379

(e) For petroleum at industrial property, alternatives to the 29380  
use of total petroleum hydrocarbons. 29381

The generic numerical clean-up standards established in the 29382  
rules adopted under division (B)(1) of this section shall be 29383  
consistent with and equivalent in scope, content, and coverage to 29384  
any applicable standard established by federal environmental laws 29385  
and regulations adopted under them, including, without limitation, 29386  
the "Federal Water Pollution Control Act Amendments of 1972," 86 29387  
Stat. 886, 33 U.S.C.A. 1251, as amended; the "Resource 29388  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 29389  
6921, as amended; the "Toxic Substances Control Act," 90 Stat. 29390  
2003 (1976), 15 U.S.C.A. 2601, as amended; the "Comprehensive 29391  
Environmental Response, Compensation, and Liability Act of 1980," 29392  
94 Stat. 2779, 42 U.S.C.A. 9601, as amended; and the "Safe 29393  
Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as 29394  
amended. 29395

In order for the rules adopted under division (B)(1) of this 29396  
section to require that any such federal environmental standard 29397  
apply to a property, the property shall meet the requirements of 29398  
the particular federal statute or regulation involved in the 29399  
manner specified by the statute or regulation. 29400

The generic numerical clean-up standards for petroleum at 29401  
commercial or residential property shall be the standards 29402  
established in rules adopted under division (B) of section 29403  
3737.882 of the Revised Code. 29404

(2)(a) Procedures for performing property-specific risk 29405  
assessments that would be performed at a property to demonstrate 29406  
that the remedy evaluated in a risk assessment results in 29407  
protection of public health and safety and the environment instead 29408  
of complying with the generic numerical clean-up standards 29409  
established in the rules adopted under division (B)(1) of this 29410  
section. The risk assessment procedures shall describe a 29411  
methodology to establish, on a property-specific basis, allowable 29412  
levels of contamination to remain at a property to ensure 29413  
protection of public health and safety and the environment on the 29414  
property and off the property when the contamination is emanating 29415  
off the property, taking into account all of the following: 29416

(i) The implementation of treatment, storage, or disposal, or 29417  
a combination thereof, of hazardous substances or petroleum; 29418

(ii) The existence of institutional controls or activity and 29419  
use limitations that eliminate or mitigate exposure to hazardous 29420  
substances or petroleum through the restriction of access to 29421  
hazardous substances or petroleum; 29422

(iii) The existence of engineering controls that eliminate or 29423  
mitigate exposure to hazardous substances or petroleum through 29424  
containment of, control of, or restrictions of access to hazardous 29425  
substances or petroleum, including, without limitation, fences, 29426  
cap systems, cover systems, and landscaping. 29427

(b) The risk assessment procedures and levels of acceptable 29428  
risk set forth in the rules adopted under division (B)(2) of this 29429  
section shall be based upon all of the following: 29430

(i) Scientific information, including, without limitation, 29431

toxicological information and actual or proposed human and environmental exposure;	29432 29433
(ii) Locational and climatic factors;	29434
(iii) Surrounding land use and human activities;	29435
(iv) Differing levels of remediation that may be required when an existing land use is continued compared to when a different land use follows the remediation.	29436 29437 29438
(c) Any standards established pursuant to rules adopted under division (B)(2) of this section shall be no more stringent than standards established under the environmental statutes of this state and rules adopted under them for the same contaminant in the same environmental medium that are in effect at the time the risk assessment is conducted.	29439 29440 29441 29442 29443 29444
(3) Minimum standards for phase I property assessments. The standards shall specify the information needed to demonstrate that there is no reason to believe that contamination exists on a property. The rules adopted under division (B)(3) of this section, at a minimum, shall require that a phase I property assessment include all of the following:	29445 29446 29447 29448 29449 29450
(a) A review and analysis of deeds, mortgages, easements of record, and similar documents relating to the chain of title to the property that are publicly available or that are known to and reasonably available to the owner or operator;	29451 29452 29453 29454
(b) A review and analysis of any previous environmental assessments, property assessments, environmental studies, or geologic studies of the property and any land within two thousand feet of the boundaries of the property that are publicly available or that are known to and reasonably available to the owner or operator;	29455 29456 29457 29458 29459 29460
(c) A review of current and past environmental compliance	29461

histories of persons who owned or operated the property;	29462
(d) A review of aerial photographs of the property that indicate prior uses of the property;	29463 29464
(e) Interviews with managers of activities conducted at the property who have knowledge of environmental conditions at the property;	29465 29466 29467
(f) Conducting an inspection of the property consisting of a walkover;	29468 29469
(g) Identifying the current and past uses of the property, adjoining tracts of land, and the area surrounding the property, including, without limitation, interviews with persons who reside or have resided, or who are or were employed, within the area surrounding the property regarding the current and past uses of the property and adjacent tracts of land.	29470 29471 29472 29473 29474 29475
The rules adopted under division (B)(3) of this section shall establish criteria to determine when a phase II property assessment shall be conducted when a phase I property assessment reveals facts that establish a reason to believe that hazardous substances or petroleum have been treated, stored, managed, or disposed of on the property if the person undertaking the phase I property assessment wishes to obtain a covenant not to sue under section 3746.12 of the Revised Code.	29476 29477 29478 29479 29480 29481 29482 29483
(4) Minimum standards for phase II property assessments. The standards shall specify the information needed to demonstrate that any contamination present at the property does not exceed applicable standards or that the remedial activities conducted at the property have achieved compliance with applicable standards. The rules adopted under division (B)(4) of this section, at a minimum, shall require that a phase II property assessment include all of the following:	29484 29485 29486 29487 29488 29489 29490 29491
(a) A review and analysis of all documentation prepared in	29492

connection with a phase I property assessment conducted within the 29493  
one hundred eighty days before the phase II property assessment 29494  
begins. The rules adopted under division (B)(4)(a) of this section 29495  
shall require that if a period of more than one hundred eighty 29496  
days has passed between the time that the phase I assessment of 29497  
the property was completed and the phase II assessment begins, the 29498  
phase II assessment shall include a reasonable inquiry into the 29499  
change in the environmental condition of the property during the 29500  
intervening period. 29501

(b) Quality assurance objectives for measurements taken in 29502  
connection with a phase II assessment; 29503

(c) Sampling procedures to ensure the representative sampling 29504  
of potentially contaminated environmental media; 29505

(d) Quality assurance and quality control requirements for 29506  
samples collected in connection with phase II assessments; 29507

(e) Analytical and data assessment procedures; 29508

(f) Data objectives to ensure that samples collected in 29509  
connection with phase II assessments are biased toward areas where 29510  
information indicates that contamination by hazardous substances 29511  
or petroleum is likely to exist. 29512

(5) Standards governing the conduct of certified 29513  
professionals, criteria and procedures for the certification of 29514  
professionals to issue no further action letters under section 29515  
3746.11 of the Revised Code, and criteria for the suspension and 29516  
revocation of those certifications. The director shall take an 29517  
action regarding a certification as a final action. The issuance, 29518  
denial, renewal, suspension, and revocation of those 29519  
certifications are subject to Chapter 3745. of the Revised Code, 29520  
except that, in lieu of publishing an action regarding a 29521  
certification in a newspaper of general circulation as required in 29522  
section 3745.07 of the Revised Code, such an action shall be 29523

published on the environmental protection agency's web site and in 29524  
the agency's weekly review not later than fifteen days after the 29525  
date of the issuance, denial, renewal, suspension, or revocation 29526  
of the certification and not later than thirty days before a 29527  
hearing or public meeting concerning the action. 29528

The rules adopted under division (B)(5) of this section shall 29529  
do all of the following: 29530

(a) Provide for the certification of environmental 29531  
professionals to issue no further action letters pertaining to 29532  
investigations and remedies in accordance with the criteria and 29533  
procedures set forth in the rules. The rules adopted under 29534  
division (B)(5)(a) of this section shall do at least all of the 29535  
following: 29536

(i) Authorize the director to consider such factors as an 29537  
environmental professional's previous performance record regarding 29538  
such investigations and remedies and the environmental 29539  
professional's environmental compliance history when determining 29540  
whether to certify the environmental professional; 29541

(ii) Ensure that an application for certification is reviewed 29542  
in a timely manner; 29543

(iii) Require the director to certify any environmental 29544  
professional who the director determines complies with those 29545  
criteria; 29546

(iv) Require the director to deny certification for any 29547  
environmental professional who does not comply with those 29548  
criteria. 29549

(b) Establish an annual fee to be paid by environmental 29550  
professionals certified pursuant to the rules adopted under 29551  
division (B)(5)(a) of this section. The fee shall be established 29552  
at an amount calculated to defray the costs to the agency for the 29553  
required reviews of the qualifications of environmental 29554

professionals for certification and for the issuance of the 29555  
certifications. 29556

(c) Develop a schedule for and establish requirements 29557  
governing the review by the director of the credentials of 29558  
environmental professionals who were deemed to be certified 29559  
professionals under division (D) of section 3746.07 of the Revised 29560  
Code in order to determine if they comply with the criteria 29561  
established in rules adopted under division (B)(5) of this 29562  
section. The rules adopted under division (B)(5)(c) of this 29563  
section shall do at least all of the following: 29564

(i) Ensure that the review is conducted in a timely fashion; 29565

(ii) Require the director to certify any such environmental 29566  
professional who the director determines complies with those 29567  
criteria; 29568

(iii) Require any such environmental professional initially 29569  
to pay the fee established in the rules adopted under division 29570  
(B)(5)(b) of this section at the time that the environmental 29571  
professional is so certified by the director; 29572

(iv) Establish a time period within which any such 29573  
environmental professional who does not comply with those criteria 29574  
may obtain the credentials that are necessary for certification; 29575

(v) Require the director to deny certification for any such 29576  
environmental professional who does not comply with those criteria 29577  
and who fails to obtain the necessary credentials within the 29578  
established time period. 29579

(d) Require that any information submitted to the director 29580  
for the purposes of the rules adopted under division (B)(5)(a) or 29581  
(c) of this section comply with division (A) of section 3746.20 of 29582  
the Revised Code; 29583

(e) Authorize the director to suspend or revoke the 29584



certification of an environmental professional if the director 29585  
finds that the environmental professional's performance has 29586  
resulted in the issuance of no further action letters under 29587  
section 3746.11 of the Revised Code that are not consistent with 29588  
applicable standards or finds that the certified environmental 29589  
professional has not substantially complied with section 3746.31 29590  
of the Revised Code; 29591

(f) Authorize the director to suspend for a period of not 29592  
more than five years or to permanently revoke a certified 29593  
environmental professional's certification for any violation of or 29594  
failure to comply with an ethical standard established in rules 29595  
adopted under division (B)(5) of this section; 29596

(g) Require the director to revoke the certification of an 29597  
environmental professional if the director finds that the 29598  
environmental professional falsified any information on the 29599  
environmental professional's application for certification 29600  
regarding the environmental professional's credentials or 29601  
qualifications or any other information generated for the purposes 29602  
of or use under this chapter or rules adopted under it; 29603

(h) Require the director permanently to revoke the 29604  
certification of an environmental professional who has violated or 29605  
is violating division (A) of section 3746.18 of the Revised Code; 29606

(i) Preclude the director from revoking the certification of 29607  
an environmental professional who only conducts investigations and 29608  
remedies at property contaminated solely with petroleum unless the 29609  
director first consults with the director of commerce. 29610

(6) Criteria and procedures for the certification of 29611  
laboratories to perform analyses under this chapter and rules 29612  
adopted under it. The director shall take an action regarding a 29613  
certification as a final action. The issuance, denial, renewal, 29614  
suspension, and revocation of those certifications are subject to 29615

Chapter 3745. of the Revised Code, ~~and the director of~~ 29616  
~~environmental protection shall take any such action regarding a~~ 29617  
~~certification as a final action~~ except that, in lieu of publishing 29618  
an action regarding a certification in a newspaper of general 29619  
circulation as required in section 3745.07 of the Revised Code, 29620  
such an action shall be published on the environmental protection 29621  
agency's web site and in the agency's weekly review not later than 29622  
fifteen days after the date of the issuance, denial, renewal, 29623  
suspension, or revocation of the certification and not later than 29624  
thirty days before a hearing or public meeting concerning the 29625  
action. 29626

The rules adopted under division (B)(6) of this section shall 29627  
do all of the following: 29628

(a) Provide for the certification to perform analyses of 29629  
laboratories in accordance with the criteria and procedures 29630  
established in the rules adopted under division (B)(6)(a) of this 29631  
section and establish an annual fee to be paid by those 29632  
laboratories. The fee shall be established at an amount calculated 29633  
to defray the costs to the agency for the review of the 29634  
qualifications of those laboratories for certification and for the 29635  
issuance of the certifications. The rules adopted under division 29636  
(B)(6)(a) of this section may provide for the certification of 29637  
those laboratories to perform only particular types or categories 29638  
of analyses, specific test parameters or group of test parameters, 29639  
or a specific matrix or matrices under this chapter. 29640

(b) Develop a schedule for and establish requirements 29641  
governing the review by the director of the operations of 29642  
laboratories that were deemed to be certified laboratories under 29643  
division (E) of section 3746.07 of the Revised Code in order to 29644  
determine if they comply with the criteria established in rules 29645  
adopted under division (B)(6) of this section. The rules adopted 29646  
under division (B)(6)(b) of this section shall do at least all of 29647

the following:	29648
(i) Ensure that the review is conducted in a timely fashion;	29649
(ii) Require the director to certify any such laboratory that the director determines complies with those criteria;	29650 29651
(iii) Require any such laboratory initially to pay the fee established in the rules adopted under division (B)(6)(a) of this section at the time that the laboratory is so certified by the director;	29652 29653 29654 29655
(iv) Establish a time period within which any such laboratory that does not comply with those criteria may make changes in its operations necessary for the performance of analyses under this chapter and rules adopted under it in order to be certified by the director;	29656 29657 29658 29659 29660
(v) Require the director to deny certification for any such laboratory that does not comply with those criteria and that fails to make the necessary changes in its operations within the established time period.	29661 29662 29663 29664
(c) Require that any information submitted to the director for the purposes of the rules adopted under division (B)(6)(a) or (b) of this section comply with division (A) of section 3746.20 of the Revised Code;	29665 29666 29667 29668
(d) Authorize the director to suspend or revoke the certification of a laboratory if the director finds that the laboratory's performance has resulted in the issuance of no further action letters under section 3746.11 of the Revised Code that are not consistent with applicable standards;	29669 29670 29671 29672 29673
(e) Authorize the director to suspend or revoke the certification of a laboratory if the director finds that the laboratory falsified any information on its application for certification regarding its credentials or qualifications;	29674 29675 29676 29677

(f) Require the director permanently to revoke the certification of a laboratory that has violated or is violating division (A) of section 3746.18 of the Revised Code.	29678 29679 29680
(7) Information to be included in a no further action letter prepared under section 3746.11 of the Revised Code, including, without limitation, all of the following:	29681 29682 29683
(a) A summary of the information required to be submitted to the certified environmental professional preparing the no further action letter under division (C) of section 3746.10 of the Revised Code;	29684 29685 29686 29687
(b) Notification that a risk assessment was performed in accordance with rules adopted under division (B)(2) of this section if such an assessment was used in lieu of generic numerical clean-up standards established in rules adopted under division (B)(1) of this section;	29688 29689 29690 29691 29692
(c) The contaminants addressed at the property, if any, their source, if known, and their levels prior to remediation;	29693 29694
(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;	29695 29696 29697 29698
(e) A list of the data, information, records, and documents relied upon by the certified environmental professional in preparing the no further action letter.	29699 29700 29701
(8) Methods for determining fees to be paid for the following services provided by the agency under this chapter and rules adopted under it:	29702 29703 29704
(a) Site- or property-specific technical assistance in developing or implementing plans in connection with a voluntary action;	29705 29706 29707

(b) Reviewing applications for and issuing consolidated standards permits under section 3746.15 of the Revised Code and monitoring compliance with those permits;

(c) Negotiating, preparing, and entering into agreements necessary for the implementation and administration of this chapter and rules adopted under it;

(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.

The fees established pursuant to the rules adopted under division (B)(8) of this section shall be at a level sufficient to defray the direct and indirect costs incurred by the agency for the administration and enforcement of this chapter and rules adopted under it other than the provisions regarding the certification of professionals and laboratories.

(9) Criteria for selecting the no further action letters issued under section 3746.11 of the Revised Code that will be audited under section 3746.17 of the Revised Code, and the scope and procedures for conducting those audits. The rules adopted under division (B)(9) of this section, at a minimum, shall require the director to establish priorities for auditing no further action letters to which any of the following applies:

(a) The letter was prepared by an environmental professional who was deemed to be a certified professional under division (D) of section 3746.07 of the Revised Code, but who does not comply with the criteria established in rules adopted under division (B)(5) of this section as determined pursuant to rules adopted

under division (B)(5)(d) of this section;	29739
(b) The letter was submitted fraudulently;	29740
(c) The letter was prepared by a certified environmental professional whose certification subsequently was revoked in accordance with rules adopted under division (B)(5) of this section, or analyses were performed for the purposes of the no further action letter by a certified laboratory whose certification subsequently was revoked in accordance with rules adopted under division (B)(6) of this section;	29741 29742 29743 29744 29745 29746 29747
(d) A covenant not to sue that was issued pursuant to the letter was revoked under this chapter;	29748 29749
(e) The letter was for a voluntary action that was conducted pursuant to a risk assessment in accordance with rules adopted under division (B)(2) of this section;	29750 29751 29752
(f) The letter was for a voluntary action that included as remedial activities engineering controls or institutional controls or activity and use limitations authorized under section 3746.05 of the Revised Code.	29753 29754 29755 29756
The rules adopted under division (B)(9) of this section shall provide for random audits of no further action letters to which the rules adopted under divisions (B)(9)(a) to (f) of this section do not apply.	29757 29758 29759 29760
(10) A classification system to characterize ground water according to its capability to be used for human use and its impact on the environment and a methodology that shall be used to determine when ground water that has become contaminated from sources on a property for which a covenant not to sue is requested under section 3746.11 of the Revised Code shall be remediated to the standards established in the rules adopted under division (B)(1) or (2) of this section.	29761 29762 29763 29764 29765 29766 29767 29768

(a) In adopting rules under division (B)(10) of this section	29769
to characterize ground water according to its capability for human	29770
use, the director shall consider all of the following:	29771
(i) The presence of legally enforceable, reliable	29772
restrictions on the use of ground water, including, without	29773
limitation, local rules or ordinances;	29774
(ii) The presence of regional commingled contamination from	29775
multiple sources that diminishes the quality of ground water;	29776
(iii) The natural quality of ground water;	29777
(iv) Regional availability of ground water and reasonable	29778
alternative sources of drinking water;	29779
(v) The productivity of the aquifer;	29780
(vi) The presence of restrictions on the use of ground water	29781
implemented under this chapter and rules adopted under it;	29782
(vii) The existing use of ground water.	29783
(b) In adopting rules under division (B)(10) of this section	29784
to characterize ground water according to its impacts on the	29785
environment, the director shall consider both of the following:	29786
(i) The risks posed to humans, fauna, surface water,	29787
sediments, soil, air, and other resources by the continuing	29788
presence of contaminated ground water;	29789
(ii) The availability and feasibility of technology to remedy	29790
ground water contamination.	29791
(11) Governing the application for and issuance of variances	29792
under section 3746.09 of the Revised Code;	29793
(12)(a) In the case of voluntary actions involving	29794
contaminated ground water, specifying the circumstances under	29795
which the generic numerical clean-up standards established in	29796
rules adopted under division (B)(1) of this section and standards	29797

established through a risk assessment conducted pursuant to rules 29798  
adopted under division (B)(2) of this section shall be 29799  
inapplicable to the remediation of contaminated ground water and 29800  
under which the standards for remediating contaminated ground 29801  
water shall be established on a case-by-case basis prior to the 29802  
commencement of the voluntary action pursuant to rules adopted 29803  
under division (B)(12)(b) of this section; 29804

(b) Criteria and procedures for the case-by-case 29805  
establishment of standards for the remediation of contaminated 29806  
ground water under circumstances in which the use of the generic 29807  
numerical clean-up standards and standards established through a 29808  
risk assessment are precluded by the rules adopted under division 29809  
(B)(12)(a) of this section. The rules governing the procedures for 29810  
the case-by-case development of standards for the remediation of 29811  
contaminated ground water shall establish application, public 29812  
participation, adjudication, and appeals requirements and 29813  
procedures that are equivalent to the requirements and procedures 29814  
established in section 3746.09 of the Revised Code and rules 29815  
adopted under division (B)(11) of this section, except that the 29816  
procedural rules shall not require an applicant to make the 29817  
demonstrations set forth in divisions (A)(1) to (3) of section 29818  
3746.09 of the Revised Code. 29819

(13) A definition of the evidence that constitutes sufficient 29820  
evidence for the purpose of division (A)(5) of section 3746.02 of 29821  
the Revised Code. 29822

At least thirty days before filing the proposed rules 29823  
required to be adopted under this section with the secretary of 29824  
state, director of the legislative service commission, and joint 29825  
committee on agency rule review in accordance with divisions (B) 29826  
and (H) of section 119.03 of the Revised Code, the director of 29827  
environmental protection shall hold at least one public meeting on 29828  
the proposed rules in each of the five districts into which the 29829



agency has divided the state for administrative purposes. 29830

**Sec. 3769.087.** (A) In addition to the commission of eighteen 29831  
per cent retained by each permit holder as provided in section 29832  
3769.08 of the Revised Code, each permit holder shall retain an 29833  
additional amount equal to four per cent of the total of all 29834  
moneys wagered on each racing day on all wagering pools other than 29835  
win, place, and show, of which amount retained an amount equal to 29836  
three per cent of the total of all moneys wagered on each racing 29837  
day on those pools shall be paid by check, draft, or money order 29838  
to the tax commissioner, as a tax. Subject to the restrictions 29839  
contained in divisions (B), (C), and (M) of section 3769.08 of the 29840  
Revised Code, from such additional moneys paid to the tax 29841  
commissioner: 29842

(1) Four-sixths shall be allocated to fund distribution as 29843  
provided in division (M) of section 3769.08 of the Revised Code. 29844

(2) One-twelfth shall be paid into the Ohio fairs fund 29845  
created by section 3769.082 of the Revised Code. 29846

(3) One-twelfth of the additional moneys paid to the tax 29847  
commissioner by thoroughbred racing permit holders shall be paid 29848  
into the Ohio thoroughbred race fund created by section 3769.083 29849  
of the Revised Code. 29850

(4) One-twelfth of the additional moneys paid to the tax 29851  
commissioner by harness horse racing permit holders shall be paid 29852  
to the Ohio standardbred development fund created by section 29853  
3769.085 of the Revised Code. 29854

(5) One-twelfth of the additional moneys paid to the tax 29855  
commissioner by quarter horse racing permit holders shall be paid 29856  
to the Ohio quarter horse development fund created by section 29857  
3769.086 of the Revised Code. 29858

(6) One-sixth shall be paid into the state racing commission 29859

operating fund created by section 3769.03 of the Revised Code. 29860

The remaining one per cent that is retained of the total of 29861  
all moneys wagered on each racing day on all pools other than win, 29862  
place, and show, shall be retained by racing permit holders, and, 29863  
except as otherwise provided in section 3769.089 of the Revised 29864  
Code, racing permit holders shall use one-half for purse money and 29865  
retain one-half. 29866

(B) In addition to the commission of eighteen per cent 29867  
retained by each permit holder as provided in section 3769.08 of 29868  
the Revised Code and the additional amount retained by each permit 29869  
holder as provided in division (A) of this section, each permit 29870  
holder shall retain an additional amount equal to one-half of one 29871  
per cent of the total of all moneys wagered on each racing day on 29872  
all wagering pools other than win, place, and show. ~~Except as~~ 29873  
~~provided in division (C) of this section, from the~~ The additional 29874  
amount retained under this division, ~~each permit holder shall~~ 29875  
~~retain an amount equal to one quarter of one per cent of the total~~ 29876  
~~of all moneys wagered on each racing day on all pools other than~~ 29877  
~~win, place, and show and shall pay that amount~~ shall be paid by 29878  
check, draft, or money order to the tax commissioner, as a tax. 29879  
The tax commissioner shall pay the amount of the tax received 29880  
under this division to the state racing commission operating fund 29881  
created by section 3769.03 of the Revised Code. 29882

~~Except as provided in division (C) of this section, the~~ 29883  
~~remaining one quarter of one per cent that is retained from the~~ 29884  
~~total of all moneys wagered on each racing day on all pools other~~ 29885  
~~than win, place, and show shall be retained by the permit holder,~~ 29886  
~~and the permit holder shall use one half for purse money and~~ 29887  
~~retain one half.~~ 29888

~~(C) During the period commencing on July 1, 2006, and ending~~ 29889  
~~on and including June 30, 2007, the additional amount retained by~~ 29890  
~~each permit holder under division (B) of this section shall be~~ 29891

~~paid by check, draft, or money order to the tax commissioner, as a 29892  
tax. The tax commissioner shall pay the amount of the tax received 29893  
under this division to the state racing commission operating fund 29894  
created by section 3769.03 of the Revised Code. 29895~~

**Sec. 3770.03.** (A) The state lottery commission shall 29896  
promulgate rules under which a statewide lottery may be conducted. 29897  
The rules shall be promulgated pursuant to Chapter 119. of the 29898  
Revised Code, except that instant game rules shall be promulgated 29899  
pursuant to section 111.15 of the Revised Code but are not subject 29900  
to division (D) of that section. Subjects covered in these rules 29901  
shall include, but need not be limited to, the following: 29902

(1) The type of lottery to be conducted; 29903

(2) The prices of tickets in the lottery; 29904

(3) The number, nature, and value of prize awards, the manner 29905  
and frequency of prize drawings, and the manner in which prizes 29906  
shall be awarded to holders of winning tickets. No rule shall 29907  
authorize drawings on a Sunday for any lottery game unless the 29908  
rule is approved by an executive order of the governor. 29909

(B) The commission shall promulgate rules, in addition to 29910  
those described in division (A) of this section, pursuant to 29911  
Chapter 119. of the Revised Code under which a statewide lottery 29912  
and statewide joint lottery games may be conducted. Subjects 29913  
covered in these rules shall include, but not be limited to, the 29914  
following: 29915

(1) The locations at which lottery tickets may be sold and 29916  
the manner in which they are to be sold. These rules may authorize 29917  
the sale of lottery tickets by commission personnel or other 29918  
licensed individuals from traveling show wagons at the state fair, 29919  
and at any other expositions the director of the commission 29920  
considers acceptable. These rules shall prohibit commission 29921

personnel or other licensed individuals from soliciting from an 29922  
exposition the right to sell lottery tickets at that exposition, 29923  
but shall allow commission personnel or other licensed individuals 29924  
to sell lottery tickets at an exposition if the exposition 29925  
requests commission personnel or licensed individuals to do so. 29926  
These rules may also address the accessibility of sales agent 29927  
locations to commission products in accordance with the "Americans 29928  
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 29929  
et seq. 29930

(2) The manner in which lottery sales revenues are to be 29931  
collected, including authorization for the director to impose 29932  
penalties for failure by lottery sales agents to transfer revenues 29933  
to the commission in a timely manner; 29934

(3) The amount of compensation to be paid licensed lottery 29935  
sales agents; 29936

(4) The substantive criteria for the licensing of lottery 29937  
sales agents consistent with section 3770.05 of the Revised Code, 29938  
and procedures for revoking or suspending their licenses 29939  
consistent with Chapter 119. of the Revised Code. If 29940  
circumstances, such as the nonpayment of funds owed by a lottery 29941  
sales agent, or other circumstances related to the public safety, 29942  
convenience, or trust, require immediate action, the director may 29943  
suspend a license without affording an opportunity for a prior 29944  
hearing under section 119.07 of the Revised Code. 29945

(5) Special game rules to implement any agreements signed by 29946  
the governor that the director enters into with other lottery 29947  
jurisdictions under division (J) of section 3770.02 of the Revised 29948  
Code to conduct statewide joint lottery games. The rules shall 29949  
require that the entire net proceeds of those games that remain, 29950  
after associated operating expenses, prize disbursements, lottery 29951  
sales agent bonuses, commissions, and reimbursements, and any 29952  
other expenses necessary to comply with the agreements or the 29953

rules are deducted from the gross proceeds of those games, be 29954  
transferred to the lottery profits education fund under division 29955  
(B) of section 3770.06 of the Revised Code. 29956

(C) The commission may promulgate rules, in addition to those 29957  
described in divisions (A) and (B) of this section, that establish 29958  
standards governing the display of advertising and celebrity 29959  
images on lottery tickets and on other items that are used in the 29960  
conduct of, or to promote, the statewide lottery and statewide 29961  
joint lottery games. Any revenue derived from the sale of 29962  
advertising displayed on lottery tickets and on those other items 29963  
shall be considered, for purposes of section 3770.06 of the 29964  
Revised Code, to be related proceeds in connection with the 29965  
statewide lottery or gross proceeds from statewide joint lottery 29966  
games, as applicable. 29967

(D)(1) The commission shall meet with the director at least 29968  
once each month and shall convene other meetings at the request of 29969  
the chairperson or any five of the members. No action taken by the 29970  
commission shall be binding unless at least five of the members 29971  
present vote in favor of the action. A written record shall be 29972  
made of the proceedings of each meeting and shall be transmitted 29973  
forthwith to the governor, the president of the senate, the senate 29974  
minority leader, the speaker of the house of representatives, and 29975  
the house minority leader. 29976

(2) The director shall present to the commission a report 29977  
each month, showing the total revenues, prize disbursements, and 29978  
operating expenses of the state lottery for the preceding month. 29979  
As soon as practicable after the end of each fiscal year, the 29980  
commission shall prepare and transmit to the governor and the 29981  
general assembly a report of lottery revenues, prize 29982  
disbursements, and operating expenses for the preceding fiscal 29983  
year and any recommendations for legislation considered necessary 29984  
by the commission. 29985

**Sec. 3770.06.** (A) There is hereby created the state lottery 29986  
gross revenue fund, which shall be in the custody of the treasurer 29987  
of state but shall not be part of the state treasury. All gross 29988  
revenues received from sales of lottery tickets, fines, fees, and 29989  
related proceeds in connection with the statewide lottery and all 29990  
gross proceeds from statewide joint lottery games shall be 29991  
deposited into the fund. The treasurer of state shall invest any 29992  
portion of the fund not needed for immediate use in the same 29993  
manner as, and subject to all provisions of law with respect to 29994  
the investment of, state funds. The treasurer of state shall 29995  
disburse money from the fund on order of the director of the state 29996  
lottery commission or the director's designee. 29997

Except for gross proceeds from statewide joint lottery games, 29998  
all revenues of the state lottery gross revenue fund that are not 29999  
paid to holders of winning lottery tickets, that are not required 30000  
to meet short-term prize liabilities, that are not credited to 30001  
lottery sales agents in the form of bonuses, commissions, or 30002  
reimbursements, that are not paid to financial institutions to 30003  
reimburse those institutions for sales agent nonsufficient funds, 30004  
and that are collected from sales agents for remittance to 30005  
insurers under contract to provide sales agent bonding services 30006  
shall be transferred to the state lottery fund, which is hereby 30007  
created in the state treasury. In addition, all revenues of the 30008  
state lottery gross revenue fund that represent the gross proceeds 30009  
from the statewide joint lottery games and that are not paid to 30010  
holders of winning lottery tickets, that are not required to meet 30011  
short-term prize liabilities, that are not credited to lottery 30012  
sales agents in the form of bonuses, commissions, or 30013  
reimbursements, and that are not necessary to cover operating 30014  
expenses associated with those games or to otherwise comply with 30015  
the agreements signed by the governor that the director enters 30016  
into under division (J) of section 3770.02 of the Revised Code or 30017

the rules the commission adopts under division (B)(5) of section 30018  
3770.03 of the Revised Code shall be transferred to the state 30019  
lottery fund. All investment earnings of the fund shall be 30020  
credited to the fund. Moneys shall be disbursed from the fund 30021  
pursuant to vouchers approved by the director. Total disbursements 30022  
for monetary prize awards to holders of winning lottery tickets in 30023  
connection with the statewide lottery and purchases of goods and 30024  
services awarded as prizes to holders of winning lottery tickets 30025  
shall be of an amount equal to at least fifty per cent of the 30026  
total revenue accruing from the sale of lottery tickets. 30027

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 30028  
there is hereby established in the state treasury the lottery 30029  
profits education fund. Whenever, in the judgment of the director 30030  
of budget and management, the amount to the credit of the state 30031  
lottery fund that does not represent proceeds from statewide joint 30032  
lottery games is in excess of that needed to meet the maturing 30033  
obligations of the commission and as working capital for its 30034  
further operations, the director shall transfer the excess to the 30035  
lottery profits education fund in connection with the statewide 30036  
lottery. In addition, whenever, in the judgment of the director of 30037  
budget and management, the amount to the credit of the state 30038  
lottery fund that represents proceeds from statewide joint lottery 30039  
games equals the entire net proceeds of those games as described 30040  
in division (B)(5) of section 3770.03 of the Revised Code and the 30041  
rules adopted under that division, the director shall transfer 30042  
those proceeds to the lottery profits education fund. There shall 30043  
also be credited to the fund any repayments of moneys loaned from 30044  
the educational excellence investment fund. Investment earnings of 30045  
the lottery profits education fund shall be credited to the fund. 30046

The lottery profits education fund shall be used solely for 30047  
the support of elementary, secondary, vocational, and special 30048  
education programs as determined in appropriations made by the 30049

general assembly, or as provided in applicable bond proceedings 30050  
for the payment of debt service on obligations issued to pay costs 30051  
of capital facilities, including those for a system of common 30052  
schools throughout the state pursuant to section 2n of Article 30053  
VIII, Ohio Constitution. When determining the availability of 30054  
money in the lottery profits education fund, the director of 30055  
budget and management may consider all balances and estimated 30056  
revenues of the fund. 30057

~~From the amounts that the director of budget and management 30058  
transfers in any fiscal year from the state lottery fund to the 30059  
lottery profits education fund, the director shall transfer the 30060  
initial ten million dollars of those amounts from the lottery 30061  
profits education fund to the school building program bond service 30062  
fund created in division (Q) of section 3318.26 of the Revised 30063  
Code to be pledged for the purpose of paying bond service charges 30064  
as defined in division (C) of section 3318.21 of the Revised Code 30065  
on one or more issuances of obligations, which obligations are 30066  
issued to provide moneys for the school building program 30067  
assistance fund created in section 3318.25 of the Revised Code. 30068~~

(C) There is hereby established in the state treasury the 30069  
deferred prizes trust fund. With the approval of the director of 30070  
budget and management, an amount sufficient to fund annuity prizes 30071  
shall be transferred from the state lottery fund and credited to 30072  
the trust fund. The treasurer of state shall credit all earnings 30073  
arising from investments purchased under this division to the 30074  
trust fund. Within sixty days after the end of each fiscal year, 30075  
the treasurer of state shall certify to the director of budget and 30076  
management whether the actuarial amount of the trust fund is 30077  
sufficient over the fund's life for continued funding of all 30078  
remaining deferred prize liabilities as of the last day of the 30079  
fiscal year just ended. Also, within that sixty days, the director 30080  
of budget and management shall certify the amount of investment 30081



earnings necessary to have been credited to the trust fund during 30082  
the fiscal year just ending to provide for such continued funding 30083  
of deferred prizes. Any earnings credited in excess of ~~this~~ the 30084  
latter certified amount shall be transferred to the lottery 30085  
profits education fund. 30086

To provide all or a part of the amounts necessary to fund 30087  
deferred prizes awarded by the commission in connection with the 30088  
statewide lottery, the treasurer of state, in consultation with 30089  
the commission, may invest moneys contained in the deferred prizes 30090  
trust fund which represents proceeds from the statewide lottery in 30091  
obligations of the type permitted for the investment of state 30092  
funds but whose maturities are thirty years or less. 30093  
Notwithstanding the requirements of any other section of the 30094  
Revised Code, to provide all or part of the amounts necessary to 30095  
fund deferred prizes awarded by the commission in connection with 30096  
statewide joint lottery games, the treasurer of state, in 30097  
consultation with the commission, may invest moneys in the trust 30098  
fund which represent proceeds derived from the statewide joint 30099  
lottery games in accordance with the rules the commission adopts 30100  
under division (B)(5) of section 3770.03 of the Revised Code. 30101  
Investments of the trust fund are not subject to the provisions of 30102  
division (A)(10) of section 135.143 of the Revised Code limiting 30103  
to twenty-five per cent the amount of the state's total average 30104  
portfolio that may be invested in debt interests and limiting to 30105  
one-half of one per cent the amount that may be invested in debt 30106  
interests of a single issuer. 30107

All purchases made under this division shall be effected on a 30108  
delivery versus payment method and shall be in the custody of the 30109  
treasurer of state. 30110

The treasurer of state may retain an investment advisor, if 30111  
necessary. The commission shall pay any costs incurred by the 30112  
treasurer of state in retaining an investment advisor. 30113

(D) The auditor of state shall conduct annual audits of all 30114  
funds and any other audits as the auditor of state or the general 30115  
assembly considers necessary. The auditor of state may examine all 30116  
records, files, and other documents of the commission, and records 30117  
of lottery sales agents that pertain to their activities as 30118  
agents, for purposes of conducting authorized audits. 30119

The state lottery commission shall establish an internal 30120  
audit program before the beginning of each fiscal year, subject to 30121  
the approval of the auditor of state. At the end of each fiscal 30122  
year, the commission shall prepare and submit an annual report to 30123  
the auditor of state for the auditor of state's review and 30124  
approval, specifying the internal audit work completed by the end 30125  
of that fiscal year and reporting on compliance with the annual 30126  
internal audit program. The form and content of the report shall 30127  
be prescribed by the auditor of state under division (C) of 30128  
section 117.20 of the Revised Code. 30129

(E) Whenever, in the judgment of the director of budget and 30130  
management, an amount of net state lottery proceeds is necessary 30131  
to be applied to the payment of debt service on obligations, all 30132  
as defined in sections 151.01 and 151.03 of the Revised Code, the 30133  
director shall transfer that amount directly from the state 30134  
lottery fund or from the lottery profits education fund to the 30135  
bond service fund defined in those sections. The provisions of 30136  
this division are subject to any prior pledges or obligation of 30137  
those amounts to the payment of bond service charges as defined in 30138  
division (C) of section 3318.21 of the Revised Code, as referred 30139  
to in division (B) of this section. 30140

**Sec. 3905.36.** (A) Except as provided in divisions (B) and (C) 30141  
of this section, every insured association, company, corporation, 30142  
or other person that enters, directly or indirectly, into any 30143  
agreements with any insurance company, association, individual, 30144

firm, underwriter, or Lloyd's, not authorized to do business in 30145  
this state, whereby the insured shall procure, continue, or renew 30146  
contracts of insurance covering subjects of insurance resident, 30147  
located, or to be performed within this state, with such 30148  
unauthorized insurance company, association, individual, firm, 30149  
underwriter, or Lloyd's, for which insurance there is a gross 30150  
premium, membership fee, assessment, dues, or other consideration 30151  
charged or collected, shall annually, on or before the 30152  
thirty-first day of January, return to the superintendent of 30153  
insurance a statement under oath showing the name and address of 30154  
the insured, name and address of the insurer, subject of the 30155  
insurance, general description of the coverage, and amount of 30156  
gross premium, fee, assessment, dues, or other consideration for 30157  
such insurance for the preceding twelve-month period and shall at 30158  
the same time pay to the treasurer of state a tax of five per cent 30159  
of such gross premium, fee, assessment, dues, or other 30160  
consideration, after a deduction for return premium, if any, as 30161  
calculated on a form prescribed by the treasurer of state. All 30162  
taxes collected under this section by the treasurer of state shall 30163  
be paid into the general revenue fund. If the tax is not paid when 30164  
due, the tax shall be increased by a penalty of twenty-five per 30165  
cent. An interest charge computed as set forth in section 5725.221 30166  
of the Revised Code shall be made on the entire sum of the tax 30167  
plus penalty, which interest shall be computed from the date the 30168  
tax is due until it is paid. For purposes of this section, payment 30169  
is considered made when it is received by the treasurer of state, 30170  
irrespective of any United States postal service marking or other 30171  
stamp or mark indicating the date on which the payment may have 30172  
been mailed. 30173

(B) This section does not apply to: 30174

(1) Transactions in this state involving a policy solicited, 30175  
written, and delivered outside this state covering only subjects 30176

of insurance not resident, located, or to be performed in this 30177  
state at the time of issuance, provided such transactions are 30178  
subsequent to the issuance of the policy; 30179

(2) Attorneys-at-law acting on behalf of their clients in the 30180  
adjustment of claims or losses; 30181

(3) Transactions involving policies issued by a captive 30182  
insurer. For this purpose, a "captive insurer" means any of the 30183  
following: 30184

(a) An insurer owned by one or more individuals or 30185  
organizations, whose exclusive purpose is to insure risks of one 30186  
or more of the parent organizations or individual owners and risks 30187  
of one or more affiliates of the parent organizations or 30188  
individual owners; 30189

(b) In the case of groups and associations, insurers owned by 30190  
the group or association whose exclusive purpose is to insure 30191  
risks of members of the group or association and affiliates of the 30192  
members; 30193

(c) Other types of insurers, licensed and operated in 30194  
accordance with the captive insurance laws of their jurisdictions 30195  
of domicile and operated in a manner so as to self-insure risks of 30196  
their owners and insureds. 30197

(4) Professional ~~or~~, medical liability, or other insurance 30198  
procured by a hospital organized under Chapter 3701. of the 30199  
Revised Code or on behalf of an entity that manufactures, 30200  
packages, and sells, as more than fifty per cent of the entity's 30201  
business, pharmaceutical products for human use where the 30202  
production, packaging, and sale of such products are subject to 30203  
regulation by an agency of the United States; 30204

(5) Insurance with an initial policy period of more than 30205  
three years and that is procured to cover known events related to 30206  
environmental remediation that occurred prior to the effective 30207

date of that insurance. 30208

(C) In transactions that are subject to sections 3905.30 to 30209  
3905.35 of the Revised Code, each person licensed under section 30210  
3905.30 of the Revised Code shall pay to the treasurer of state, 30211  
on or before the thirty-first day of January of each year, five 30212  
per cent of the balance of the gross premiums charged for 30213  
insurance placed or procured under the license after a deduction 30214  
for return premiums, as reported on a form prescribed by the 30215  
treasurer of state. The tax shall be collected from the insured by 30216  
the surplus line broker who placed or procured the policy of 30217  
insurance at the time the policy is delivered to the insured. No 30218  
license issued under section 3905.30 of the Revised Code shall be 30219  
renewed until payment is made. If the tax is not paid when due, 30220  
the tax shall be increased by a penalty of twenty-five per cent. 30221  
An interest charge computed as set forth in section 5725.221 of 30222  
the Revised Code shall be made on the entire sum of the tax plus 30223  
penalty, which interest shall be computed from the date the tax is 30224  
due until it is paid. For purposes of this section, payment is 30225  
considered made when it is received by the treasurer of state, 30226  
irrespective of any United States postal service marking or other 30227  
stamp or mark indicating the date on which the payment may have 30228  
been mailed. 30229

**Sec. 4123.35.** (A) Except as provided in this section, every 30230  
employer mentioned in division (B)(2) of section 4123.01 of the 30231  
Revised Code, and every publicly owned utility shall pay 30232  
semiannually in the months of January and July into the state 30233  
insurance fund the amount of annual premium the administrator of 30234  
workers' compensation fixes for the employment or occupation of 30235  
the employer, the amount of which premium to be paid by each 30236  
employer to be determined by the classifications, rules, and rates 30237  
made and published by the administrator. The employer shall pay 30238  
semiannually a further sum of money into the state insurance fund 30239

as may be ascertained to be due from the employer by applying the 30240  
rules of the administrator, and a receipt or certificate 30241  
certifying that payment has been made, along with a written notice 30242  
as is required in section 4123.54 of the Revised Code, shall be 30243  
mailed immediately to the employer by the bureau of workers' 30244  
compensation. The receipt or certificate is prima-facie evidence 30245  
of the payment of the premium, and the proper posting of the 30246  
notice constitutes the employer's compliance with the notice 30247  
requirement mandated in section 4123.54 of the Revised Code. 30248

The bureau of workers' compensation shall verify with the 30249  
secretary of state the existence of all corporations and 30250  
organizations making application for workers' compensation 30251  
coverage and shall require every such application to include the 30252  
employer's federal identification number. 30253

An employer as defined in division (B)(2) of section 4123.01 30254  
of the Revised Code who has contracted with a subcontractor is 30255  
liable for the unpaid premium due from any subcontractor with 30256  
respect to that part of the payroll of the subcontractor that is 30257  
for work performed pursuant to the contract with the employer. 30258

Division (A) of this section providing for the payment of 30259  
premiums semiannually does not apply to any employer who was a 30260  
subscriber to the state insurance fund prior to January 1, 1914, 30261  
or who may first become a subscriber to the fund in any month 30262  
other than January or July. Instead, the semiannual premiums shall 30263  
be paid by those employers from time to time upon the expiration 30264  
of the respective periods for which payments into the fund have 30265  
been made by them. 30266

The administrator shall adopt rules to permit employers to 30267  
make periodic payments of the semiannual premium due under this 30268  
division. The rules shall include provisions for the assessment of 30269  
interest charges, where appropriate, and for the assessment of 30270  
penalties when an employer fails to make timely premium payments. 30271

An employer who timely pays the amounts due under this division is 30272  
entitled to all of the benefits and protections of this chapter. 30273  
Upon receipt of payment, the bureau immediately shall mail a 30274  
receipt or certificate to the employer certifying that payment has 30275  
been made, which receipt is prima-facie evidence of payment. 30276  
Workers' compensation coverage under this chapter continues 30277  
uninterrupted upon timely receipt of payment under this division. 30278

Every public employer, except public employers that are 30279  
self-insuring employers under this section, shall comply with 30280  
sections 4123.38 to 4123.41, and 4123.48 of the Revised Code in 30281  
regard to the contribution of moneys to the public insurance fund. 30282

(B) Employers who will abide by the rules of the 30283  
administrator and who may be of sufficient financial ability to 30284  
render certain the payment of compensation to injured employees or 30285  
the dependents of killed employees, and the furnishing of medical, 30286  
surgical, nursing, and hospital attention and services and 30287  
medicines, and funeral expenses, equal to or greater than is 30288  
provided for in sections 4123.52, 4123.55 to 4123.62, and 4123.64 30289  
to 4123.67 of the Revised Code, and who do not desire to insure 30290  
the payment thereof or indemnify themselves against loss sustained 30291  
by the direct payment thereof, upon a finding of such facts by the 30292  
administrator, may be granted the privilege to pay individually 30293  
compensation, and furnish medical, surgical, nursing, and hospital 30294  
services and attention and funeral expenses directly to injured 30295  
employees or the dependents of killed employees, thereby being 30296  
granted status as a self-insuring employer. The administrator may 30297  
charge employers who apply for the status as a self-insuring 30298  
employer a reasonable application fee to cover the bureau's costs 30299  
in connection with processing and making a determination with 30300  
respect to an application. 30301

All employers granted status as self-insuring employers shall 30302  
demonstrate sufficient financial and administrative ability to 30303

assure that all obligations under this section are promptly met. 30304  
The administrator shall deny the privilege where the employer is 30305  
unable to demonstrate the employer's ability to promptly meet all 30306  
the obligations imposed on the employer by this section. 30307

(1) The administrator shall consider, but is not limited to, 30308  
the following factors, where applicable, in determining the 30309  
employer's ability to meet all of the obligations imposed on the 30310  
employer by this section: 30311

(a) The employer employs a minimum of five hundred employees 30312  
in this state; 30313

(b) The employer has operated in this state for a minimum of 30314  
two years, provided that an employer who has purchased, acquired, 30315  
or otherwise succeeded to the operation of a business, or any part 30316  
thereof, situated in this state that has operated for at least two 30317  
years in this state, also shall qualify; 30318

(c) Where the employer previously contributed to the state 30319  
insurance fund or is a successor employer as defined by bureau 30320  
rules, the amount of the buyout, as defined by bureau rules; 30321

(d) The sufficiency of the employer's assets located in this 30322  
state to insure the employer's solvency in paying compensation 30323  
directly; 30324

(e) The financial records, documents, and data, certified by 30325  
a certified public accountant, necessary to provide the employer's 30326  
full financial disclosure. The records, documents, and data 30327  
include, but are not limited to, balance sheets and profit and 30328  
loss history for the current year and previous four years. 30329

(f) The employer's organizational plan for the administration 30330  
of the workers' compensation law; 30331

(g) The employer's proposed plan to inform employees of the 30332  
change from a state fund insurer to a self-insuring employer, the 30333



procedures the employer will follow as a self-insuring employer, 30334  
and the employees' rights to compensation and benefits; and 30335

(h) The employer has either an account in a financial 30336  
institution in this state, or if the employer maintains an account 30337  
with a financial institution outside this state, ensures that 30338  
workers' compensation checks are drawn from the same account as 30339  
payroll checks or the employer clearly indicates that payment will 30340  
be honored by a financial institution in this state. 30341

The administrator may waive the requirements of divisions 30342  
(B)(1)(a) and (b) of this section and the requirement of division 30343  
(B)(1)(e) of this section that the financial records, documents, 30344  
and data be certified by a certified public accountant. The 30345  
administrator shall adopt rules establishing the criteria that an 30346  
employer shall meet in order for the administrator to waive the 30347  
requirement of division (B)(1)(e) of this section. Such rules may 30348  
require additional security of that employer pursuant to division 30349  
(E) of section 4123.351 of the Revised Code. 30350

The administrator shall not grant the status of self-insuring 30351  
employer to the state, except that the administrator may grant the 30352  
status of self-insuring employer to a state institution of higher 30353  
education, excluding its hospitals, that meets the requirements of 30354  
division (B)(2) of this section. 30355

(2) When considering the application of a public employer, 30356  
except for a board of county commissioners described in division 30357  
(G) of section 4123.01 of the Revised Code, a board of a county 30358  
hospital, or a publicly owned utility, the administrator shall 30359  
verify that the public employer satisfies all of the following 30360  
requirements as the requirements apply to that public employer: 30361

(a) For the two-year period preceding application under this 30362  
section, the public employer has maintained an unvoted debt 30363  
capacity equal to at least two times the amount of the current 30364

annual premium established by the administrator under this chapter 30365  
for that public employer for the year immediately preceding the 30366  
year in which the public employer makes application under this 30367  
section. 30368

(b) For each of the two fiscal years preceding application 30369  
under this section, the unreserved and undesignated year-end fund 30370  
balance in the public employer's general fund is equal to at least 30371  
five per cent of the public employer's general fund revenues for 30372  
the fiscal year computed in accordance with generally accepted 30373  
accounting principles. 30374

(c) For the five-year period preceding application under this 30375  
section, the public employer, to the extent applicable, has 30376  
complied fully with the continuing disclosure requirements 30377  
established in rules adopted by the United States securities and 30378  
exchange commission under 17 C.F.R. 240.15c 2-12. 30379

(d) For the five-year period preceding application under this 30380  
section, the public employer has not had its local government or 30381  
local communities fund distribution withheld on account of the 30382  
public employer being indebted or otherwise obligated to the 30383  
state. 30384

(e) For the five-year period preceding application under this 30385  
section, the public employer has not been under a fiscal watch or 30386  
fiscal emergency pursuant to section 118.023, 118.04, or 3316.03 30387  
of the Revised Code. 30388

(f) For the public employer's fiscal year preceding 30389  
application under this section, the public employer has obtained 30390  
an annual financial audit as required under section 117.10 of the 30391  
Revised Code, which has been released by the auditor of state 30392  
within seven months after the end of the public employer's fiscal 30393  
year. 30394

(g) On the date of application, the public employer holds a 30395

debt rating of Aa3 or higher according to Moody's investors 30396  
service, inc., or a comparable rating by an independent rating 30397  
agency similar to Moody's investors service, inc. 30398

(h) The public employer agrees to generate an annual 30399  
accumulating book reserve in its financial statements reflecting 30400  
an actuarially generated reserve adequate to pay projected claims 30401  
under this chapter for the applicable period of time, as 30402  
determined by the administrator. 30403

(i) For a public employer that is a hospital, the public 30404  
employer shall submit audited financial statements showing the 30405  
hospital's overall liquidity characteristics, and the 30406  
administrator shall determine, on an individual basis, whether the 30407  
public employer satisfies liquidity standards equivalent to the 30408  
liquidity standards of other public employers. 30409

(j) Any additional criteria that the administrator adopts by 30410  
rule pursuant to division (E) of this section. 30411

The administrator shall not approve the application of a 30412  
public employer, except for a board of county commissioners 30413  
described in division (G) of section 4123.01 of the Revised Code, 30414  
a board of a county hospital, or publicly owned utility, who does 30415  
not satisfy all of the requirements listed in division (B)(2) of 30416  
this section. 30417

(C) A board of county commissioners described in division (G) 30418  
of section 4123.01 of the Revised Code, as an employer, that will 30419  
abide by the rules of the administrator and that may be of 30420  
sufficient financial ability to render certain the payment of 30421  
compensation to injured employees or the dependents of killed 30422  
employees, and the furnishing of medical, surgical, nursing, and 30423  
hospital attention and services and medicines, and funeral 30424  
expenses, equal to or greater than is provided for in sections 30425  
4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised 30426

Code, and that does not desire to insure the payment thereof or 30427  
indemnify itself against loss sustained by the direct payment 30428  
thereof, upon a finding of such facts by the administrator, may be 30429  
granted the privilege to pay individually compensation, and 30430  
furnish medical, surgical, nursing, and hospital services and 30431  
attention and funeral expenses directly to injured employees or 30432  
the dependents of killed employees, thereby being granted status 30433  
as a self-insuring employer. The administrator may charge a board 30434  
of county commissioners described in division (G) of section 30435  
4123.01 of the Revised Code that applies for the status as a 30436  
self-insuring employer a reasonable application fee to cover the 30437  
bureau's costs in connection with processing and making a 30438  
determination with respect to an application. All employers 30439  
granted such status shall demonstrate sufficient financial and 30440  
administrative ability to assure that all obligations under this 30441  
section are promptly met. The administrator shall deny the 30442  
privilege where the employer is unable to demonstrate the 30443  
employer's ability to promptly meet all the obligations imposed on 30444  
the employer by this section. The administrator shall consider, 30445  
but is not limited to, the following factors, where applicable, in 30446  
determining the employer's ability to meet all of the obligations 30447  
imposed on the board as an employer by this section: 30448

(1) The board as an employer employs a minimum of five 30449  
hundred employees in this state; 30450

(2) The board has operated in this state for a minimum of two 30451  
years; 30452

(3) Where the board previously contributed to the state 30453  
insurance fund or is a successor employer as defined by bureau 30454  
rules, the amount of the buyout, as defined by bureau rules; 30455

(4) The sufficiency of the board's assets located in this 30456  
state to insure the board's solvency in paying compensation 30457  
directly; 30458

(5) The financial records, documents, and data, certified by 30459  
a certified public accountant, necessary to provide the board's 30460  
full financial disclosure. The records, documents, and data 30461  
include, but are not limited to, balance sheets and profit and 30462  
loss history for the current year and previous four years. 30463

(6) The board's organizational plan for the administration of 30464  
the workers' compensation law; 30465

(7) The board's proposed plan to inform employees of the 30466  
proposed self-insurance, the procedures the board will follow as a 30467  
self-insuring employer, and the employees' rights to compensation 30468  
and benefits; 30469

(8) The board has either an account in a financial 30470  
institution in this state, or if the board maintains an account 30471  
with a financial institution outside this state, ensures that 30472  
workers' compensation checks are drawn from the same account as 30473  
payroll checks or the board clearly indicates that payment will be 30474  
honored by a financial institution in this state; 30475

(9) The board shall provide the administrator a surety bond 30476  
in an amount equal to one hundred twenty-five per cent of the 30477  
projected losses as determined by the administrator. 30478

(D) The administrator shall require a surety bond from all 30479  
self-insuring employers, issued pursuant to section 4123.351 of 30480  
the Revised Code, that is sufficient to compel, or secure to 30481  
injured employees, or to the dependents of employees killed, the 30482  
payment of compensation and expenses, which shall in no event be 30483  
less than that paid or furnished out of the state insurance fund 30484  
in similar cases to injured employees or to dependents of killed 30485  
employees whose employers contribute to the fund, except when an 30486  
employee of the employer, who has suffered the loss of a hand, 30487  
arm, foot, leg, or eye prior to the injury for which compensation 30488  
is to be paid, and thereafter suffers the loss of any other of the 30489

members as the result of any injury sustained in the course of and 30490  
arising out of the employee's employment, the compensation to be 30491  
paid by the self-insuring employer is limited to the disability 30492  
suffered in the subsequent injury, additional compensation, if 30493  
any, to be paid by the bureau out of the surplus created by 30494  
section 4123.34 of the Revised Code. 30495

(E) In addition to the requirements of this section, the 30496  
administrator shall make and publish rules governing the manner of 30497  
making application and the nature and extent of the proof required 30498  
to justify a finding of fact by the administrator as to granting 30499  
the status of a self-insuring employer, which rules shall be 30500  
general in their application, one of which rules shall provide 30501  
that all self-insuring employers shall pay into the state 30502  
insurance fund such amounts as are required to be credited to the 30503  
surplus fund in division (B) of section 4123.34 of the Revised 30504  
Code. The administrator may adopt rules establishing requirements 30505  
in addition to the requirements described in division (B)(2) of 30506  
this section that a public employer shall meet in order to qualify 30507  
for self-insuring status. 30508

Employers shall secure directly from the bureau central 30509  
offices application forms upon which the bureau shall stamp a 30510  
designating number. Prior to submission of an application, an 30511  
employer shall make available to the bureau, and the bureau shall 30512  
review, the information described in division (B)(1) of this 30513  
section, and public employers shall make available, and the bureau 30514  
shall review, the information necessary to verify whether the 30515  
public employer meets the requirements listed in division (B)(2) 30516  
of this section. An employer shall file the completed application 30517  
forms with an application fee, which shall cover the costs of 30518  
processing the application, as established by the administrator, 30519  
by rule, with the bureau at least ninety days prior to the 30520  
effective date of the employer's new status as a self-insuring 30521

employer. The application form is not deemed complete until all 30522  
the required information is attached thereto. The bureau shall 30523  
only accept applications that contain the required information. 30524

(F) The bureau shall review completed applications within a 30525  
reasonable time. If the bureau determines to grant an employer the 30526  
status as a self-insuring employer, the bureau shall issue a 30527  
statement, containing its findings of fact, that is prepared by 30528  
the bureau and signed by the administrator. If the bureau 30529  
determines not to grant the status as a self-insuring employer, 30530  
the bureau shall notify the employer of the determination and 30531  
require the employer to continue to pay its full premium into the 30532  
state insurance fund. The administrator also shall adopt rules 30533  
establishing a minimum level of performance as a criterion for 30534  
granting and maintaining the status as a self-insuring employer 30535  
and fixing time limits beyond which failure of the self-insuring 30536  
employer to provide for the necessary medical examinations and 30537  
evaluations may not delay a decision on a claim. 30538

(G) The administrator shall adopt rules setting forth 30539  
procedures for auditing the program of self-insuring employers. 30540  
The bureau shall conduct the audit upon a random basis or whenever 30541  
the bureau has grounds for believing that a self-insuring employer 30542  
is not in full compliance with bureau rules or this chapter. 30543

The administrator shall monitor the programs conducted by 30544  
self-insuring employers, to ensure compliance with bureau 30545  
requirements and for that purpose, shall develop and issue to 30546  
self-insuring employers standardized forms for use by the 30547  
self-insuring employer in all aspects of the self-insuring 30548  
employers' direct compensation program and for reporting of 30549  
information to the bureau. 30550

The bureau shall receive and transmit to the self-insuring 30551  
employer all complaints concerning any self-insuring employer. In 30552  
the case of a complaint against a self-insuring employer, the 30553

administrator shall handle the complaint through the 30554  
self-insurance division of the bureau. The bureau shall maintain a 30555  
file by employer of all complaints received that relate to the 30556  
employer. The bureau shall evaluate each complaint and take 30557  
appropriate action. 30558

The administrator shall adopt as a rule a prohibition against 30559  
any self-insuring employer from harassing, dismissing, or 30560  
otherwise disciplining any employee making a complaint, which rule 30561  
shall provide for a financial penalty to be levied by the 30562  
administrator payable by the offending self-insuring employer. 30563

(H) For the purpose of making determinations as to whether to 30564  
grant status as a self-insuring employer, the administrator may 30565  
subscribe to and pay for a credit reporting service that offers 30566  
financial and other business information about individual 30567  
employers. The costs in connection with the bureau's subscription 30568  
or individual reports from the service about an applicant may be 30569  
included in the application fee charged employers under this 30570  
section. 30571

(I) The administrator, notwithstanding other provisions of 30572  
this chapter, may permit a self-insuring employer to resume 30573  
payment of premiums to the state insurance fund with appropriate 30574  
credit modifications to the employer's basic premium rate as such 30575  
rate is determined pursuant to section 4123.29 of the Revised 30576  
Code. 30577

(J) On the first day of July of each year, the administrator 30578  
shall calculate separately each self-insuring employer's 30579  
assessments for the safety and hygiene fund, administrative costs 30580  
pursuant to section 4123.342 of the Revised Code, and for the 30581  
portion of the surplus fund under division (B) of section 4123.34 30582  
of the Revised Code that is not used for handicapped 30583  
reimbursement, on the basis of the paid compensation attributable 30584  
to the individual self-insuring employer according to the 30585



following calculation: 30586

(1) The total assessment against all self-insuring employers 30587  
as a class for each fund and for the administrative costs for the 30588  
year that the assessment is being made, as determined by the 30589  
administrator, divided by the total amount of paid compensation 30590  
for the previous calendar year attributable to all amenable 30591  
self-insuring employers; 30592

(2) Multiply the quotient in division (J)(1) of this section 30593  
by the total amount of paid compensation for the previous calendar 30594  
year that is attributable to the individual self-insuring employer 30595  
for whom the assessment is being determined. Each self-insuring 30596  
employer shall pay the assessment that results from this 30597  
calculation, unless the assessment resulting from this calculation 30598  
falls below a minimum assessment, which minimum assessment the 30599  
administrator shall determine on the first day of July of each 30600  
year with the advice and consent of the workers' compensation 30601  
oversight commission, in which event, the self-insuring employer 30602  
shall pay the minimum assessment. 30603

In determining the total amount due for the total assessment 30604  
against all self-insuring employers as a class for each fund and 30605  
the administrative assessment, the administrator shall reduce 30606  
proportionately the total for each fund and assessment by the 30607  
amount of money in the self-insurance assessment fund as of the 30608  
date of the computation of the assessment. 30609

The administrator shall calculate the assessment for the 30610  
portion of the surplus fund under division (B) of section 4123.34 30611  
of the Revised Code that is used for handicapped reimbursement in 30612  
the same manner as set forth in divisions (J)(1) and (2) of this 30613  
section except that the administrator shall calculate the total 30614  
assessment for this portion of the surplus fund only on the basis 30615  
of those self-insuring employers that retain participation in the 30616  
handicapped reimbursement program and the individual self-insuring 30617

employer's proportion of paid compensation shall be calculated 30618  
only for those self-insuring employers who retain participation in 30619  
the handicapped reimbursement program. The administrator, as the 30620  
administrator determines appropriate, may determine the total 30621  
assessment for the handicapped portion of the surplus fund in 30622  
accordance with sound actuarial principles. 30623

The administrator shall calculate the assessment for the 30624  
portion of the surplus fund under division (B) of section 4123.34 30625  
of the Revised Code that under division (D) of section 4121.66 of 30626  
the Revised Code is used for rehabilitation costs in the same 30627  
manner as set forth in divisions (J)(1) and (2) of this section, 30628  
except that the administrator shall calculate the total assessment 30629  
for this portion of the surplus fund only on the basis of those 30630  
self-insuring employers who have not made the election to make 30631  
payments directly under division (D) of section 4121.66 of the 30632  
Revised Code and an individual self-insuring employer's proportion 30633  
of paid compensation only for those self-insuring employers who 30634  
have not made that election. 30635

The administrator shall calculate the assessment for the 30636  
portion of the surplus fund under division (B) of section 4123.34 30637  
of the Revised Code that is used for reimbursement to a 30638  
self-insuring employer under division (H) of section 4123.512 of 30639  
the Revised Code in the same manner as set forth in divisions 30640  
(J)(1) and (2) of this section except that the administrator shall 30641  
calculate the total assessment for this portion of the surplus 30642  
fund only on the basis of those self-insuring employers that 30643  
retain participation in reimbursement to the self-insuring 30644  
employer under division (H) of section 4123.512 of the Revised 30645  
Code and the individual self-insuring employer's proportion of 30646  
paid compensation shall be calculated only for those self-insuring 30647  
employers who retain participation in reimbursement to the 30648  
self-insuring employer under division (H) of section 4123.512 of 30649

the Revised Code. 30650

An employer who no longer is a self-insuring employer in this 30651  
state or who no longer is operating in this state, shall continue 30652  
to pay assessments for administrative costs and for the portion of 30653  
the surplus fund under division (B) of section 4123.34 of the 30654  
Revised Code that is not used for handicapped reimbursement, based 30655  
upon paid compensation attributable to claims that occurred while 30656  
the employer was a self-insuring employer within this state. 30657

(K) There is hereby created in the state treasury the 30658  
self-insurance assessment fund. All investment earnings of the 30659  
fund shall be deposited in the fund. The administrator shall use 30660  
the money in the self-insurance assessment fund only for 30661  
administrative costs as specified in section 4123.341 of the 30662  
Revised Code. 30663

(L) Every self-insuring employer shall certify, in affidavit 30664  
form subject to the penalty for perjury, to the bureau the amount 30665  
of the self-insuring employer's paid compensation for the previous 30666  
calendar year. In reporting paid compensation paid for the 30667  
previous year, a self-insuring employer shall exclude from the 30668  
total amount of paid compensation any reimbursement the 30669  
self-insuring employer receives in the previous calendar year from 30670  
the surplus fund pursuant to section 4123.512 of the Revised Code 30671  
for any paid compensation. The self-insuring employer also shall 30672  
exclude from the paid compensation reported any amount recovered 30673  
under section 4123.931 of the Revised Code and any amount that is 30674  
determined not to have been payable to or on behalf of a claimant 30675  
in any final administrative or judicial proceeding. The 30676  
self-insuring employer shall exclude such amounts from the paid 30677  
compensation reported in the reporting period subsequent to the 30678  
date the determination is made. The administrator shall adopt 30679  
rules, in accordance with Chapter 119. of the Revised Code, that 30680  
provide for all of the following: 30681

(1) Establishing the date by which self-insuring employers 30682  
must submit such information and the amount of the assessments 30683  
provided for in division (J) of this section for employers who 30684  
have been granted self-insuring status within the last calendar 30685  
year; 30686

(2) If an employer fails to pay the assessment when due, the 30687  
administrator may add a late fee penalty of not more than five 30688  
hundred dollars to the assessment plus an additional penalty 30689  
amount as follows: 30690

(a) For an assessment from sixty-one to ninety days past due, 30691  
the prime interest rate, multiplied by the assessment due; 30692

(b) For an assessment from ninety-one to one hundred twenty 30693  
days past due, the prime interest rate plus two per cent, 30694  
multiplied by the assessment due; 30695

(c) For an assessment from one hundred twenty-one to one 30696  
hundred fifty days past due, the prime interest rate plus four per 30697  
cent, multiplied by the assessment due; 30698

(d) For an assessment from one hundred fifty-one to one 30699  
hundred eighty days past due, the prime interest rate plus six per 30700  
cent, multiplied by the assessment due; 30701

(e) For an assessment from one hundred eighty-one to two 30702  
hundred ten days past due, the prime interest rate plus eight per 30703  
cent, multiplied by the assessment due; 30704

(f) For each additional thirty-day period or portion thereof 30705  
that an assessment remains past due after it has remained past due 30706  
for more than two hundred ten days, the prime interest rate plus 30707  
eight per cent, multiplied by the assessment due. 30708

(3) An employer may appeal a late fee penalty and penalty 30709  
assessment to the administrator. 30710

For purposes of this division, "prime interest rate" means 30711

the average bank prime rate, and the administrator shall determine 30712  
the prime interest rate in the same manner as a county auditor 30713  
determines the average bank prime rate under section 929.02 of the 30714  
Revised Code. 30715

The administrator shall include any assessment and penalties 30716  
that remain unpaid for previous assessment periods in the 30717  
calculation and collection of any assessments due under this 30718  
division or division (J) of this section. 30719

(M) As used in this section, "paid compensation" means all 30720  
amounts paid by a self-insuring employer for living maintenance 30721  
benefits, all amounts for compensation paid pursuant to sections 30722  
4121.63, 4121.67, 4123.56, 4123.57, 4123.58, 4123.59, 4123.60, and 30723  
4123.64 of the Revised Code, all amounts paid as wages in lieu of 30724  
such compensation, all amounts paid in lieu of such compensation 30725  
under a nonoccupational accident and sickness program fully funded 30726  
by the self-insuring employer, and all amounts paid by a 30727  
self-insuring employer for a violation of a specific safety 30728  
standard pursuant to Section 35 of Article II, Ohio Constitution 30729  
and section 4121.47 of the Revised Code. 30730

(N) Should any section of this chapter or Chapter 4121. of 30731  
the Revised Code providing for self-insuring employers' 30732  
assessments based upon compensation paid be declared 30733  
unconstitutional by a final decision of any court, then that 30734  
section of the Revised Code declared unconstitutional shall revert 30735  
back to the section in existence prior to November 3, 1989, 30736  
providing for assessments based upon payroll. 30737

(O) The administrator may grant a self-insuring employer the 30738  
privilege to self-insure a construction project entered into by 30739  
the self-insuring employer that is scheduled for completion within 30740  
six years after the date the project begins, and the total cost of 30741  
which is estimated to exceed one hundred million dollars or, for 30742  
employers described in division (R) of this section, if the 30743

construction project is estimated to exceed twenty-five million 30744  
dollars. The administrator may waive such cost and time criteria 30745  
and grant a self-insuring employer the privilege to self-insure a 30746  
construction project regardless of the time needed to complete the 30747  
construction project and provided that the cost of the 30748  
construction project is estimated to exceed fifty million dollars. 30749  
A self-insuring employer who desires to self-insure a construction 30750  
project shall submit to the administrator an application listing 30751  
the dates the construction project is scheduled to begin and end, 30752  
the estimated cost of the construction project, the contractors 30753  
and subcontractors whose employees are to be self-insured by the 30754  
self-insuring employer, the provisions of a safety program that is 30755  
specifically designed for the construction project, and a 30756  
statement as to whether a collective bargaining agreement 30757  
governing the rights, duties, and obligations of each of the 30758  
parties to the agreement with respect to the construction project 30759  
exists between the self-insuring employer and a labor 30760  
organization. 30761

A self-insuring employer may apply to self-insure the 30762  
employees of either of the following: 30763

(1) All contractors and subcontractors who perform labor or 30764  
work or provide materials for the construction project; 30765

(2) All contractors and, at the administrator's discretion, a 30766  
substantial number of all the subcontractors who perform labor or 30767  
work or provide materials for the construction project. 30768

Upon approval of the application, the administrator shall 30769  
mail a certificate granting the privilege to self-insure the 30770  
construction project to the self-insuring employer. The 30771  
certificate shall contain the name of the self-insuring employer 30772  
and the name, address, and telephone number of the self-insuring 30773  
employer's representatives who are responsible for administering 30774  
workers' compensation claims for the construction project. The 30775

self-insuring employer shall post the certificate in a conspicuous place at the site of the construction project. 30776  
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The administrator shall maintain a record of the contractors and subcontractors whose employees are covered under the certificate issued to the self-insured employer. A self-insuring employer immediately shall notify the administrator when any contractor or subcontractor is added or eliminated from inclusion under the certificate. 30778  
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Upon approval of the application, the self-insuring employer is responsible for the administration and payment of all claims under this chapter and Chapter 4121. of the Revised Code for the employees of the contractor and subcontractors covered under the certificate who receive injuries or are killed in the course of and arising out of employment on the construction project, or who contract an occupational disease in the course of employment on the construction project. For purposes of this chapter and Chapter 4121. of the Revised Code, a claim that is administered and paid in accordance with this division is considered a claim against the self-insuring employer listed in the certificate. A contractor or subcontractor included under the certificate shall report to the self-insuring employer listed in the certificate, all claims that arise under this chapter and Chapter 4121. of the Revised Code in connection with the construction project for which the certificate is issued. 30784  
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A self-insuring employer who complies with this division is entitled to the protections provided under this chapter and Chapter 4121. of the Revised Code with respect to the employees of the contractors and subcontractors covered under a certificate issued under this division 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, as if the employees were employees of the self-insuring 30800  
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employer, provided that the self-insuring employer also complies 30808  
with this section. No employee of the contractors and 30809  
subcontractors covered under a certificate issued under this 30810  
division shall be considered the employee of the self-insuring 30811  
employer listed in that certificate for any purposes other than 30812  
this chapter and Chapter 4121. of the Revised Code. Nothing in 30813  
this division gives a self-insuring employer authority to control 30814  
the means, manner, or method of employment of the employees of the 30815  
contractors and subcontractors covered under a certificate issued 30816  
under this division. 30817

The contractors and subcontractors included under a 30818  
certificate issued under this division are entitled to the 30819  
protections provided under this chapter and Chapter 4121. of the 30820  
Revised Code with respect to the contractor's or subcontractor's 30821  
employees who are employed on the construction project which is 30822  
the subject of the certificate, for death or injuries that arise 30823  
out of, or death, injuries, or occupational diseases that arise in 30824  
the course of, those employees' employment on that construction 30825  
project. 30826

The contractors and subcontractors included under a 30827  
certificate issued under this division shall identify in their 30828  
payroll records the employees who are considered the employees of 30829  
the self-insuring employer listed in that certificate for purposes 30830  
of this chapter and Chapter 4121. of the Revised Code, and the 30831  
amount that those employees earned for employment on the 30832  
construction project that is the subject of that certificate. 30833  
Notwithstanding any provision to the contrary under this chapter 30834  
and Chapter 4121. of the Revised Code, the administrator shall 30835  
exclude the payroll that is reported for employees who are 30836  
considered the employees of the self-insuring employer listed in 30837  
that certificate, and that the employees earned for employment on 30838  
the construction project that is the subject of that certificate, 30839



when determining those contractors' or subcontractors' premiums or 30840  
assessments required under this chapter and Chapter 4121. of the 30841  
Revised Code. A self-insuring employer issued a certificate under 30842  
this division shall include in the amount of paid compensation it 30843  
reports pursuant to division (L) of this section, the amount of 30844  
paid compensation the self-insuring employer paid pursuant to this 30845  
division for the previous calendar year. 30846

Nothing in this division shall be construed as altering the 30847  
rights of employees under this chapter and Chapter 4121. of the 30848  
Revised Code as those rights existed prior to September 17, 1996. 30849  
Nothing in this division shall be construed as altering the rights 30850  
devolved under sections 2305.31 and 4123.82 of the Revised Code as 30851  
those rights existed prior to September 17, 1996. 30852

As used in this division, "privilege to self-insure a 30853  
construction project" means privilege to pay individually 30854  
compensation, and to furnish medical, surgical, nursing, and 30855  
hospital services and attention and funeral expenses directly to 30856  
injured employees or the dependents of killed employees. 30857

(P) A self-insuring employer whose application is granted 30858  
under division (O) of this section shall designate a safety 30859  
professional to be responsible for the administration and 30860  
enforcement of the safety program that is specifically designed 30861  
for the construction project that is the subject of the 30862  
application. 30863

A self-insuring employer whose application is granted under 30864  
division (O) of this section shall employ an ombudsperson for the 30865  
construction project that is the subject of the application. The 30866  
ombudsperson shall have experience in workers' compensation or the 30867  
construction industry, or both. The ombudsperson shall perform all 30868  
of the following duties: 30869

(1) Communicate with and provide information to employees who 30870

are injured in the course of, or whose injury arises out of 30871  
employment on the construction project, or who contract an 30872  
occupational disease in the course of employment on the 30873  
construction project; 30874

(2) Investigate the status of a claim upon the request of an 30875  
employee to do so; 30876

(3) Provide information to claimants, third party 30877  
administrators, employers, and other persons to assist those 30878  
persons in protecting their rights under this chapter and Chapter 30879  
4121. of the Revised Code. 30880

A self-insuring employer whose application is granted under 30881  
division (O) of this section shall post the name of the safety 30882  
professional and the ombudsperson and instructions for contacting 30883  
the safety professional and the ombudsperson in a conspicuous 30884  
place at the site of the construction project. 30885

(Q) The administrator may consider all of the following when 30886  
deciding whether to grant a self-insuring employer the privilege 30887  
to self-insure a construction project as provided under division 30888  
(O) of this section: 30889

(1) Whether the self-insuring employer has an organizational 30890  
plan for the administration of the workers' compensation law; 30891

(2) Whether the safety program that is specifically designed 30892  
for the construction project provides for the safety of employees 30893  
employed on the construction project, is applicable to all 30894  
contractors and subcontractors who perform labor or work or 30895  
provide materials for the construction project, and has as a 30896  
component, a safety training program that complies with standards 30897  
adopted pursuant to the "Occupational Safety and Health Act of 30898  
1970," 84 Stat. 1590, 29 U.S.C.A. 651, and provides for continuing 30899  
management and employee involvement; 30900

(3) Whether granting the privilege to self-insure the 30901

construction project will reduce the costs of the construction project;	30902 30903
(4) Whether the self-insuring employer has employed an ombudsperson as required under division (P) of this section;	30904 30905
(5) Whether the self-insuring employer has sufficient surety to secure the payment of claims for which the self-insuring employer would be responsible pursuant to the granting of the privilege to self-insure a construction project under division (O) of this section.	30906 30907 30908 30909 30910
(R) As used in divisions (O), (P), and (Q), "self-insuring 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:	30911 30912 30913 30914
(1) A state institution of higher education;	30915
(2) A school district;	30916
(3) A county school financing district;	30917
(4) An educational service center;	30918
(5) A community school established under Chapter 3314. of the Revised Code.	30919 30920
(S) As used in this section:	30921
(1) "Unvoted debt capacity" means the amount of money that a public employer may borrow without voter approval of a tax levy;	30922 30923
(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.	30924 30925 30926 30927 30928 30929 30930

Sec. 4141.09. (A) There is hereby created an unemployment 30931  
compensation fund to be administered by the state without 30932  
liability on the part of the state beyond the amounts paid into 30933  
the fund and earned by the fund. The unemployment compensation 30934  
fund shall consist of all contributions, payments in lieu of 30935  
contributions described in sections 4141.241 and 4141.242 of the 30936  
Revised Code, reimbursements of the federal share of extended 30937  
benefits described in section 4141.301 of the Revised Code, 30938  
collected under sections 4141.01 to 4141.46 of the Revised Code, 30939  
together with all interest earned upon any moneys deposited with 30940  
the secretary of the treasury of the United States to the credit 30941  
of the account of this state in the unemployment trust fund 30942  
established and maintained pursuant to section 904 of the "Social 30943  
Security Act," any property or securities acquired through the use 30944  
of moneys belonging to the fund, and all earnings of such property 30945  
or securities. The unemployment compensation fund shall be used to 30946  
pay benefits and refunds as provided by such sections and for no 30947  
other purpose. 30948

(B) The treasurer of state shall be the custodian of the 30949  
unemployment compensation fund and shall administer such fund in 30950  
accordance with the directions of the director of job and family 30951  
services. All disbursements therefrom shall be paid by the 30952  
treasurer of state on warrants drawn by the director. Such 30953  
warrants may bear the facsimile signature of the director printed 30954  
thereon and that of a deputy or other employee of the director 30955  
charged with the duty of keeping the account of the unemployment 30956  
compensation fund and with the preparation of warrants for the 30957  
payment of benefits to the persons entitled thereto. Moneys in the 30958  
clearing and benefit accounts shall not be commingled with other 30959  
state funds, except as provided in division (C) of this section, 30960  
but shall be maintained in separate accounts on the books of the 30961  
depository bank. Such money shall be secured by the depository 30962

bank to the same extent and in the same manner as required by 30963  
sections 135.01 to 135.21 of the Revised Code; and collateral 30964  
pledged for this purpose shall be kept separate and distinct from 30965  
any collateral pledged to secure other funds of this state. All 30966  
sums recovered for losses sustained by the unemployment 30967  
compensation fund shall be deposited therein. The treasurer of 30968  
state shall be liable on the treasurer's official bond for the 30969  
faithful performance of the treasurer's duties in connection with 30970  
the unemployment compensation fund, such liability to exist in 30971  
addition to any liability upon any separate bond. 30972

(C) The treasurer of state shall maintain within the 30973  
unemployment compensation fund three separate accounts which shall 30974  
be a clearing account, ~~an unemployment~~ a trust fund account, and a 30975  
benefit account. All moneys payable to the unemployment 30976  
compensation fund, upon receipt ~~thereof~~ by the director, shall be 30977  
forwarded to the treasurer of state, who shall immediately deposit 30978  
them in the clearing account. Refunds of contributions, or 30979  
payments in lieu of contributions, payable pursuant to division 30980  
(E) of this section may be paid from the clearing account upon 30981  
warrants signed by a deputy or other employee of the director 30982  
charged with the duty of keeping the record of the clearing 30983  
account and with the preparation of warrants for the payment of 30984  
refunds to persons entitled thereto. After clearance thereof, all 30985  
moneys in the clearing account shall be deposited with the 30986  
secretary of the treasury of the United States to the credit of 30987  
the account of this state in the unemployment trust fund 30988  
established and maintained pursuant to section 904 of the "Social 30989  
Security Act," in accordance with requirements of the "Federal 30990  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 30991  
3304(a)(3), any law in this state relating to the deposit, 30992  
administration, release, or disbursement of moneys in the 30993  
possession or custody of this state to the contrary 30994  
notwithstanding. The benefit account shall consist of all moneys 30995

requisitioned from this state's account in the unemployment trust fund. Federal funds, ~~other than funds received by the director under divisions (I) and (J) of this section, received for payment of federal benefits~~ may be deposited, at the director's discretion, into the benefit account. Any funds deposited into the benefit account shall be disbursed solely for payment of benefits under a federal program administered by this state. ~~Moneys so requisitioned shall be used solely for the payment of benefits~~ and for no other purpose. Moneys in the clearing and benefit accounts may be deposited by the treasurer of state, under the direction of the director, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund.

(D) Moneys shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits and in accordance with regulations prescribed by the director. The director shall requisition from the unemployment trust fund such amounts, not exceeding the amount standing to this state's account therein, as are deemed necessary for the payment of benefits for a reasonable future period. Upon receipt thereof, the treasurer of state shall deposit such moneys in the benefit account. Expenditures of such money in the benefit account and refunds from the clearing account shall not require specific appropriations or other formal release by state officers of money in their custody. Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for and may be utilized for the payment of benefits during succeeding periods, or, in the discretion of the director, shall be redeposited with the secretary of the treasury of the United States to the credit of this state's account in the unemployment trust fund, as provided in division (C) of this section. Unclaimed or unpaid

federal funds redeposited with the secretary of the treasury of 31029  
the United States shall be credited to the appropriate federal 31030  
account. 31031

(E) No claim for an adjustment or a refund on contribution, 31032  
payment in lieu of contributions, interest, or forfeiture alleged 31033  
to have been erroneously or illegally assessed or collected, or 31034  
alleged to have been collected without authority, and no claim for 31035  
an adjustment or a refund of any sum alleged to have been 31036  
excessive or in any manner wrongfully collected shall be allowed 31037  
unless an application, in writing, therefor is made within four 31038  
years from the date on which such payment was made. If the 31039  
director determines that such contribution, payment in lieu of 31040  
contributions, interest, or forfeiture, or any portion thereof, 31041  
was erroneously collected, the director shall allow such employer 31042  
to make an adjustment thereof without interest in connection with 31043  
subsequent contribution payments, or payments in lieu of 31044  
contributions, by the employer, or the director may refund said 31045  
amount, without interest, from the clearing account of the 31046  
unemployment compensation fund, except as provided in division (B) 31047  
of section 4141.11 of the Revised Code. For like cause and within 31048  
the same period, adjustment or refund may be so made on the 31049  
director's own initiative. An overpayment of contribution, payment 31050  
in lieu of contributions, interest, or forfeiture for which an 31051  
employer has not made application for refund prior to the date of 31052  
sale of the employer's business shall accrue to the employer's 31053  
successor in interest. 31054

An application for an adjustment or a refund, or any portion 31055  
thereof, that is rejected is binding upon the employer unless, 31056  
within thirty days after the mailing of a written notice of 31057  
rejection to the employer's last known address, or, in the absence 31058  
of mailing of such notice, within thirty days after the delivery 31059  
of such notice, the employer files an application for a review and 31060

redetermination setting forth the reasons therefor. The director 31061  
shall promptly examine the application for review and 31062  
redetermination, and if a review is granted, the employer shall be 31063  
promptly notified thereof, and shall be granted an opportunity for 31064  
a prompt hearing. 31065

(F) If the director finds that contributions have been paid 31066  
to the director in error, and that such contributions should have 31067  
been paid to a department of another state or of the United States 31068  
charged with the administration of an unemployment compensation 31069  
law, the director may upon request by such department or upon the 31070  
director's own initiative transfer to such department the amount 31071  
of such contributions, less any benefits paid to claimants whose 31072  
wages were the basis for such contributions. The director may 31073  
request and receive from such department any contributions or 31074  
adjusted contributions paid in error to such department which 31075  
should have been paid to the director. 31076

(G) In accordance with section 303(c)(3) of the Social 31077  
Security Act, and section 3304(a)(17) of the Internal Revenue Code 31078  
of 1954 for continuing certification of Ohio unemployment 31079  
compensation laws for administrative grants and for tax credits, 31080  
any interest required to be paid on advances under Title XII of 31081  
the Social Security Act shall be paid in a timely manner and shall 31082  
not be paid, directly or indirectly, by an equivalent reduction in 31083  
the Ohio unemployment taxes or otherwise, by the state from 31084  
amounts in the unemployment compensation fund. 31085

(H) The treasurer of state, under the direction of the 31086  
director and in accordance with the "Cash Management Improvement 31087  
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 31088  
amounts of interest earned by the state on funds in the benefit 31089  
account established pursuant to division (C) of this section into 31090  
the department of job and family services banking fees fund, which 31091  
is hereby created in the state treasury for the purpose of paying 31092



related banking costs incurred by the state for the period for 31093  
which the interest is calculated, except that if the deposited 31094  
interest exceeds the banking costs incurred by the state for the 31095  
period for which the interest is calculated, the treasurer of 31096  
state shall deposit the excess interest into the unemployment 31097  
trust fund. 31098

~~(I) The treasurer of state, under the direction of the 31099  
director, shall deposit federal funds received by the director for 31100  
the payment of benefits, job search, relocation, transportation, 31101  
and subsistence allowances pursuant to the "Trade Act of 1974," 88 31102  
Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American Free 31103  
Trade Implementation Act of 1993," 107 Stat. 2057, 19 U.S.C.A. 31104  
3301, as amended; and the "Trade Act of 2002," 116 Stat. 993, 19 31105  
U.S.C.A. 3801, as amended, into the Trade Act benefit account, 31106  
which is hereby created for the purpose of making payments 31107  
specified under those acts. 31108~~

~~(J) The treasurer of state, under the direction of the 31109  
director, shall deposit federal funds received by the director for 31110  
training and administration and for payment of benefits, job 31111  
search, relocation, transportation, and subsistence allowances 31112  
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 31113  
2101, as amended; the "North American Free Trade Agreement 31114  
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 31115  
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 31116  
3801, as amended, into the Trade Act training and administration 31117  
account, which is hereby created for the purpose of making 31118  
payments specified under those acts. The treasurer of state, under 31119  
the direction of the director, may transfer funds from the Trade 31120  
Act training and administration account to the benefit account for 31121  
the purpose of making any payments directly to claimants for 31122  
benefits, job search, relocation, transportation, and subsistence 31123  
allowances, as specified by those acts. 31124~~

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 31125  
the Revised Code: 31126

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 31127  
fluid ounces. 31128

(2) "Sale" or "sell" includes exchange, barter, gift, 31129  
distribution, and, except with respect to A-4 permit holders, 31130  
offer for sale. 31131

(B) For the purposes of providing revenues for the support of 31132  
the state and encouraging the grape industries in the state, a tax 31133  
is hereby levied on the sale or distribution of wine in Ohio, 31134  
except for known sacramental purposes, at the rate of thirty cents 31135  
per wine gallon for wine containing not less than four per cent of 31136  
alcohol by volume and not more than fourteen per cent of alcohol 31137  
by volume, ninety-eight cents per wine gallon for wine containing 31138  
more than fourteen per cent but not more than twenty-one per cent 31139  
of alcohol by volume, one dollar and eight cents per wine gallon 31140  
for vermouth, and one dollar and forty-eight cents per wine gallon 31141  
for sparkling and carbonated wine and champagne, the tax to be 31142  
paid by the holders of A-2 and B-5 permits or by any other person 31143  
selling or distributing wine upon which no tax has been paid. From 31144  
the tax paid under this section on wine, vermouth, and sparkling 31145  
and carbonated wine and champagne, the treasurer of state shall 31146  
credit to the Ohio grape industries fund created under section 31147  
924.54 of the Revised Code a sum equal to one cent per gallon for 31148  
each gallon upon which the tax is paid. 31149

(C) For the purpose of providing revenues for the support of 31150  
the state, there is hereby levied a tax on prepared and bottled 31151  
highballs, cocktails, cordials, and other mixed beverages at the 31152  
rate of one dollar and twenty cents per wine gallon to be paid by 31153  
holders of A-4 permits or by any other person selling or 31154  
distributing those products upon which no tax has been paid. Only 31155

one sale of the same article shall be used in computing the amount 31156  
of tax due. The tax on mixed beverages to be paid by holders of 31157  
A-4 permits under this section shall not attach until the 31158  
ownership of the mixed beverage is transferred for valuable 31159  
consideration to a wholesaler or retailer, and no payment of the 31160  
tax shall be required prior to that time. 31161

(D) During the period of July 1, ~~2005~~ 2007, through June 30, 31162  
~~2007~~ 2009, from the tax paid under this section on wine, vermouth, 31163  
and sparkling and carbonated wine and champagne, the treasurer of 31164  
state shall credit to the Ohio grape industries fund created under 31165  
section 924.54 of the Revised Code a sum equal to two cents per 31166  
gallon upon which the tax is paid. The amount credited under this 31167  
division is in addition to the amount credited to the Ohio grape 31168  
industries fund under division (B) of this section. 31169

(E) For the purpose of providing revenues for the support of 31170  
the state, there is hereby levied a tax on cider at the rate of 31171  
twenty-four cents per wine gallon to be paid by the holders of A-2 31172  
and B-5 permits or by any other person selling or distributing 31173  
cider upon which no tax has been paid. Only one sale of the same 31174  
article shall be used in computing the amount of the tax due. 31175

**Sec. 4503.06.** (A) The owner of each manufactured or mobile 31176  
home that has acquired situs in this state shall pay either a real 31177  
property tax pursuant to Title LVII of the Revised Code or a 31178  
manufactured home tax pursuant to division (C) of this section. 31179

(B) The owner of a manufactured or mobile home shall pay real 31180  
property taxes if either of the following applies: 31181

(1) The manufactured or mobile home acquired situs in the 31182  
state or ownership in the home was transferred on or after January 31183  
1, 2000, and all of the following apply: 31184

(a) The home is affixed to a permanent foundation as defined 31185

in division (C)(5) of section 3781.06 of the Revised Code. 31186

(b) The home is located on land that is owned by the owner of 31187  
the home. 31188

(c) The certificate of title has been inactivated by the 31189  
clerk of the court of common pleas that issued it, pursuant to 31190  
division (H) of section 4505.11 of the Revised Code. 31191

(2) The manufactured or mobile home acquired situs in the 31192  
state or ownership in the home was transferred before January 1, 31193  
2000, and all of the following apply: 31194

(a) The home is affixed to a permanent foundation as defined 31195  
in division (C)(5) of section 3781.06 of the Revised Code. 31196

(b) The home is located on land that is owned by the owner of 31197  
the home. 31198

(c) The owner of the home has elected to have the home taxed 31199  
as real property and, pursuant to section 4505.11 of the Revised 31200  
Code, has surrendered the certificate of title to the auditor of 31201  
the county containing the taxing district in which the home has 31202  
its situs, together with proof that all taxes have been paid. 31203

(d) The county auditor has placed the home on the real 31204  
property tax list and delivered the certificate of title to the 31205  
clerk of the court of common pleas that issued it and the clerk 31206  
has inactivated the certificate. 31207

(C)(1) Any mobile or manufactured home that is not taxed as 31208  
real property as provided in division (B) of this section is 31209  
subject to an annual manufactured home tax, payable by the owner, 31210  
for locating the home in this state. The tax as levied in this 31211  
section is for the purpose of supplementing the general revenue 31212  
funds of the local subdivisions in which the home has its situs 31213  
pursuant to this section. 31214

(2) The year for which the manufactured home tax is levied 31215

commences on the first day of January and ends on the following 31216  
thirty-first day of December. The state shall have the first lien 31217  
on any manufactured or mobile home on the list for the amount of 31218  
taxes, penalties, and interest charged against the owner of the 31219  
home under this section. The lien of the state for the tax for a 31220  
year shall attach on the first day of January to a home that has 31221  
acquired situs on that date. The lien for a home that has not 31222  
acquired situs on the first day of January, but that acquires 31223  
situs during the year, shall attach on the next first day of 31224  
January. The lien shall continue until the tax, including any 31225  
penalty or interest, is paid. 31226

(3)(a) The situs of a manufactured or mobile home located in 31227  
this state on the first day of January is the local taxing 31228  
district in which the home is located on that date. 31229

(b) The situs of a manufactured or mobile home not located in 31230  
this state on the first day of January, but located in this state 31231  
subsequent to that date, is the local taxing district in which the 31232  
home is located thirty days after it is acquired or first enters 31233  
this state. 31234

(4) The tax is collected by and paid to the county treasurer 31235  
of the county containing the taxing district in which the home has 31236  
its situs. 31237

(D) The manufactured home tax shall be computed and assessed 31238  
by the county auditor of the county containing the taxing district 31239  
in which the home has its situs as follows: 31240

(1) On a home that acquired situs in this state prior to 31241  
January 1, 2000: 31242

(a) By multiplying the assessable value of the home by the 31243  
tax rate of the taxing district in which the home has its situs, 31244  
and deducting from the product thus obtained any reduction 31245  
authorized under section 4503.065 of the Revised Code. The tax 31246

levied under this formula shall not be less than thirty-six 31247  
dollars, unless the home qualifies for a reduction in assessable 31248  
value under section 4503.065 of the Revised Code, in which case 31249  
there shall be no minimum tax and the tax shall be the amount 31250  
calculated under this division. 31251

(b) The assessable value of the home shall be forty per cent 31252  
of the amount arrived at by the following computation: 31253

(i) If the cost to the owner, or market value at time of 31254  
purchase, whichever is greater, of the home includes the 31255  
furnishings and equipment, such cost or market value shall be 31256  
multiplied according to the following schedule: 31257

For the first calendar year			31258
in which the			31259
home is owned by the			31260
current owner	x	80%	31261
2nd calendar year	x	75%	31262
3rd "	x	70%	31263
4th "	x	65%	31264
5th "	x	60%	31265
6th "	x	55%	31266
7th "	x	50%	31267
8th "	x	45%	31268
9th "	x	40%	31269
10th and each year thereafter	x	35%	31270

The first calendar year means any period between the first 31271  
day of January and the thirty-first day of December of the first 31272  
year. 31273

(ii) If the cost to the owner, or market value at the time of 31274  
purchase, whichever is greater, of the home does not include the 31275  
furnishings and equipment, such cost or market value shall be 31276  
multiplied according to the following schedule: 31277

For the first calendar year			31278
in which the			31279
home is owned by the			31280
current owner	x	95%	31281
2nd calendar year	x	90%	31282
3rd "	x	85%	31283
4th "	x	80%	31284
5th "	x	75%	31285
6th "	x	70%	31286
7th "	x	65%	31287
8th "	x	60%	31288
9th "	x	55%	31289
10th and each year thereafter	x	50%	31290

The first calendar year means any period between the first 31291  
day of January and the thirty-first day of December of the first 31292  
year. 31293

(2) On a home in which ownership was transferred or that 31294  
first acquired situs in this state on or after January 1, 2000: 31295

(a) By multiplying the assessable value of the home by the 31296  
effective tax rate, as defined in section 323.08 of the Revised 31297  
Code, for residential real property of the taxing district in 31298  
which the home has its situs, and deducting from the product thus 31299  
obtained the reductions required or authorized under section 31300  
319.302, division (B) of section 323.152, or section 4503.065 of 31301  
the Revised Code. 31302

(b) The assessable value of the home shall be thirty-five per 31303  
cent of its true value as determined under division (L) of this 31304  
section. 31305

(3) On or before the fifteenth day of January each year, the 31306  
county auditor shall record the assessable value and the amount of 31307  
tax on the manufactured or mobile home on the tax list and deliver 31308  
a duplicate of the list to the county treasurer. In the case of an 31309

emergency as defined in section 323.17 of the Revised Code, the 31310  
tax commissioner, by journal entry, may extend the times for 31311  
delivery of the duplicate for an additional fifteen days upon 31312  
receiving a written application from the county auditor regarding 31313  
an extension for the delivery of the duplicate, or from the county 31314  
treasurer regarding an extension of the time for the billing and 31315  
collection of taxes. The application shall contain a statement 31316  
describing the emergency that will cause the unavoidable delay and 31317  
must be received by the tax commissioner on or before the last day 31318  
of the month preceding the day delivery of the duplicate is 31319  
otherwise required. When an extension is granted for delivery of 31320  
the duplicate, the time period for payment of taxes shall be 31321  
extended for a like period of time. When a delay in the closing of 31322  
a tax collection period becomes unavoidable, the tax commissioner, 31323  
upon application by the county auditor and county treasurer, may 31324  
order the time for payment of taxes to be extended if the tax 31325  
commissioner determines that penalties have accrued or would 31326  
otherwise accrue for reasons beyond the control of the taxpayers 31327  
of the county. The order shall prescribe the final extended date 31328  
for payment of taxes for that collection period. 31329

(4) After January 1, 1999, the owner of a manufactured or 31330  
mobile home taxed pursuant to division (D)(1) of this section may 31331  
elect to have the home taxed pursuant to division (D)(2) of this 31332  
section by filing a written request with the county auditor of the 31333  
taxing district in which the home is located on or before the 31334  
first day of December of any year. Upon the filing of the request, 31335  
the county auditor shall determine whether all taxes levied under 31336  
division (D)(1) of this section have been paid, and if those taxes 31337  
have been paid, the county auditor shall tax the manufactured or 31338  
mobile home pursuant to division (D)(2) of this section commencing 31339  
in the next tax year. 31340

(5) A manufactured or mobile home that acquired situs in this 31341



state prior to January 1, 2000, shall be taxed pursuant to 31342  
division (D)(2) of this section if no manufactured home tax had 31343  
been paid for the home and the home was not exempted from taxation 31344  
pursuant to division (E) of this section for the year for which 31345  
the taxes were not paid. 31346

(6)(a) Immediately upon receipt of any manufactured home tax 31347  
duplicate from the county auditor, but not less than twenty days 31348  
prior to the last date on which the first one-half taxes may be 31349  
paid without penalty as prescribed in division (F) of this 31350  
section, the county treasurer shall cause to be prepared and 31351  
mailed or delivered to each person charged on that duplicate with 31352  
taxes, or to an agent designated by such person, the tax bill 31353  
prescribed by the tax commissioner under division (D)(7) of this 31354  
section. When taxes are paid by installments, the county treasurer 31355  
shall mail or deliver to each person charged on such duplicate or 31356  
the agent designated by that person a second tax bill showing the 31357  
amount due at the time of the second tax collection. The second 31358  
half tax bill shall be mailed or delivered at least twenty days 31359  
prior to the close of the second half tax collection period. A 31360  
change in the mailing address of any tax bill shall be made in 31361  
writing to the county treasurer. Failure to receive a bill 31362  
required by this section does not excuse failure or delay to pay 31363  
any taxes shown on the bill or, except as provided in division 31364  
(B)(1) of section 5715.39 of the Revised Code, avoid any penalty, 31365  
interest, or charge for such delay. 31366

(b) After delivery of the copy of the delinquent manufactured 31367  
home tax list under division (H) of this section, the county 31368  
treasurer may prepare and mail to each person in whose name a home 31369  
is listed an additional tax bill showing the total amount of 31370  
delinquent taxes charged against the home as shown on the list. 31371  
The tax bill shall include a notice that the interest charge 31372  
prescribed by division (G) of this section has begun to accrue. 31373

(7) Each tax bill prepared and mailed or delivered under 31374  
division (D)(6) of this section shall be in the form and contain 31375  
the information required by the tax commissioner. The commissioner 31376  
may prescribe different forms for each county and may authorize 31377  
the county auditor to make up tax bills and tax receipts to be 31378  
used by the county treasurer. The tax bill shall not contain or be 31379  
mailed or delivered with any information or material that is not 31380  
required by this section or that is not authorized by section 31381  
321.45 of the Revised Code or by the tax commissioner. In addition 31382  
to the information required by the commissioner, each tax bill 31383  
shall contain the following information: 31384

(a) The taxes levied and the taxes charged and payable 31385  
against the manufactured or mobile home; 31386

(b) The following notice: "Notice: If the taxes are not paid 31387  
within sixty days after the county auditor delivers the delinquent 31388  
manufactured home tax list to the county treasurer, you and your 31389  
home may be subject to collection proceedings for tax 31390  
delinquency." Failure to provide such notice has no effect upon 31391  
the validity of any tax judgment to which a home may be subjected. 31392

(c) In the case of manufactured or mobile homes taxed under 31393  
division (D)(2) of this section, the following additional 31394  
information: 31395

(i) The effective tax rate. The words "effective tax rate" 31396  
shall appear in boldface type. 31397

(ii) The following notice: "Notice: If the taxes charged 31398  
against this home have been reduced by the 2-1/2 per cent tax 31399  
reduction for residences occupied by the owner but the home is not 31400  
a residence occupied by the owner, the owner must notify the 31401  
county auditor's office not later than March 31 of the year for 31402  
which the taxes are due. Failure to do so may result in the owner 31403  
being convicted of a fourth degree misdemeanor, which is 31404

punishable by imprisonment up to 30 days, a fine up to \$250, or 31405  
both, and in the owner having to repay the amount by which the 31406  
taxes were erroneously or illegally reduced, plus any interest 31407  
that may apply. 31408

If the taxes charged against this home have not been reduced 31409  
by the 2-1/2 per cent tax reduction and the home is a residence 31410  
occupied by the owner, the home may qualify for the tax reduction. 31411  
To obtain an application for the tax reduction or further 31412  
information, the owner may contact the county auditor's office at 31413  
..... (insert the address and telephone number of the county 31414  
auditor's office)." 31415

(E)(1) A manufactured or mobile home is not subject to this 31416  
section when any of the following applies: 31417

(a) It is taxable as personal property pursuant to section 31418  
5709.01 of the Revised Code. Any manufactured or mobile home that 31419  
is used as a residence shall be subject to this section and shall 31420  
not be taxable as personal property pursuant to section 5709.01 of 31421  
the Revised Code. 31422

(b) It bears a license plate issued by any state other than 31423  
this state unless the home is in this state in excess of an 31424  
accumulative period of thirty days in any calendar year. 31425

(c) The annual tax has been paid on the home in this state 31426  
for the current year. 31427

(d) The tax commissioner has determined, pursuant to section 31428  
5715.27 of the Revised Code, that the property is exempt from 31429  
taxation, or would be exempt from taxation under Chapter 5709. of 31430  
the Revised Code if it were classified as real property. 31431

(2) A travel trailer or park trailer, as these terms are 31432  
defined in section 4501.01 of the Revised Code, is not subject to 31433  
this section if it is unused or unoccupied and stored at the 31434  
owner's normal place of residence or at a recognized storage 31435

facility. 31436

(3) A travel trailer or park trailer, as these terms are 31437  
defined in section 4501.01 of the Revised Code, is subject to this 31438  
section and shall be taxed as a manufactured or mobile home if it 31439  
has a situs longer than thirty days in one location and is 31440  
connected to existing utilities, unless either of the following 31441  
applies: 31442

(a) The situs is in a state facility or a camping or park 31443  
area as defined in division (C), (Q), (S), or (V) of section 31444  
3729.01 of the Revised Code. 31445

(b) The situs is in a camping or park area that is a tract of 31446  
land that has been limited to recreational use by deed or zoning 31447  
restrictions and subdivided for sale of five or more individual 31448  
lots for the express or implied purpose of occupancy by either 31449  
self-contained recreational vehicles as defined in division (T) of 31450  
section 3729.01 of the Revised Code or by dependent recreational 31451  
vehicles as defined in division (D) of section 3729.01 of the 31452  
Revised Code. 31453

(F) Except as provided in division (D)(3) of this section, 31454  
the manufactured home tax is due and payable as follows: 31455

(1) When a manufactured or mobile home has a situs in this 31456  
state, as provided in this section, on the first day of January, 31457  
one-half of the amount of the tax is due and payable on or before 31458  
the first day of March and the balance is due and payable on or 31459  
before the thirty-first day of July. At the option of the owner of 31460  
the home, the tax for the entire year may be paid in full on the 31461  
first day of March. 31462

(2) When a manufactured or mobile home first acquires a situs 31463  
in this state after the first day of January, no tax is due and 31464  
payable for that year. 31465

(G)(1)(a) Except as otherwise provided in division (G)(1)(b) 31466

of this section, if one-half of the current taxes charged under 31467  
this section against a manufactured or mobile home, together with 31468  
the full amount of any delinquent taxes, are not paid on or before 31469  
the first day of March in that year, or on or before the last day 31470  
for such payment as extended pursuant to section 4503.063 of the 31471  
Revised Code, a penalty of ten per cent shall be charged against 31472  
the unpaid balance of such half of the current taxes. If the total 31473  
amount of all such taxes is not paid on or before the thirty-first 31474  
day of July, next thereafter, or on or before the last day for 31475  
payment as extended pursuant to section 4503.063 of the Revised 31476  
Code, a like penalty shall be charged on the balance of the total 31477  
amount of the unpaid current taxes. 31478

(b) After a valid delinquent tax contract that includes 31479  
unpaid current taxes from a first-half collection period described 31480  
in division (F) of this section has been entered into under 31481  
section 323.31 of the Revised Code, no ten per cent penalty shall 31482  
be charged against such taxes after the second-half collection 31483  
period while the delinquent tax contract remains in effect. On the 31484  
day a delinquent tax contract becomes void, the ten per cent 31485  
penalty shall be charged against such taxes and shall equal the 31486  
amount of penalty that would have been charged against unpaid 31487  
current taxes outstanding on the date on which the second-half 31488  
penalty would have been charged thereon under division (G)(1)(a) 31489  
of this section if the contract had not been in effect. 31490

(2)(a) On the first day of the month following the last day 31491  
the second installment of taxes may be paid without penalty 31492  
beginning in 2000, interest shall be charged against and computed 31493  
on all delinquent taxes other than the current taxes that became 31494  
delinquent taxes at the close of the last day such second 31495  
installment could be paid without penalty. The charge shall be for 31496  
interest that accrued during the period that began on the 31497  
preceding first day of December and ended on the last day of the 31498

month that included the last date such second installment could be 31499  
paid without penalty. The interest shall be computed at the rate 31500  
per annum prescribed by section 5703.47 of the Revised Code and 31501  
shall be entered as a separate item on the delinquent manufactured 31502  
home tax list compiled under division (H) of this section. 31503

(b) On the first day of December beginning in 2000, the 31504  
interest shall be charged against and computed on all delinquent 31505  
taxes. The charge shall be for interest that accrued during the 31506  
period that began on the first day of the month following the last 31507  
date prescribed for the payment of the second installment of taxes 31508  
in the current year and ended on the immediately preceding last 31509  
day of November. The interest shall be computed at the rate per 31510  
annum prescribed by section 5703.47 of the Revised Code and shall 31511  
be entered as a separate item on the delinquent manufactured home 31512  
tax list. 31513

(c) After a valid undertaking has been entered into for the 31514  
payment of any delinquent taxes, no interest shall be charged 31515  
against such delinquent taxes while the undertaking remains in 31516  
effect in compliance with section 323.31 of the Revised Code. If a 31517  
valid undertaking becomes void, interest shall be charged against 31518  
the delinquent taxes for the periods that interest was not 31519  
permitted to be charged while the undertaking was in effect. The 31520  
interest shall be charged on the day the undertaking becomes void 31521  
and shall equal the amount of interest that would have been 31522  
charged against the unpaid delinquent taxes outstanding on the 31523  
dates on which interest would have been charged thereon under 31524  
divisions (G)(1) and (2) of this section had the undertaking not 31525  
been in effect. 31526

(3) If the full amount of the taxes due at either of the 31527  
times prescribed by division (F) of this section is paid within 31528  
ten days after such time, the county treasurer shall waive the 31529  
collection of and the county auditor shall remit one-half of the 31530

penalty provided for in this division for failure to make that 31531  
payment by the prescribed time. 31532

(4) The treasurer shall compile and deliver to the county 31533  
auditor a list of all tax payments the treasurer has received as 31534  
provided in division (G)(3) of this section. The list shall 31535  
include any information required by the auditor for the remission 31536  
of the penalties waived by the treasurer. The taxes so collected 31537  
shall be included in the settlement next succeeding the settlement 31538  
then in process. 31539

(H)(1) Beginning in 2000, the county auditor shall compile 31540  
annually a "delinquent manufactured home tax list" consisting of 31541  
homes the county treasurer's records indicate have taxes that were 31542  
not paid within the time prescribed by divisions (D)(3) and (F) of 31543  
this section, have taxes that remain unpaid from prior years, or 31544  
have unpaid tax penalties or interest that have been assessed. 31545

(2) Within thirty days after the settlement under division 31546  
(H)(2) of section 321.24 of the Revised Code beginning in 2000, 31547  
the county auditor shall deliver a copy of the delinquent 31548  
manufactured home tax list to the county treasurer. The auditor 31549  
shall update and publish the delinquent manufactured home tax list 31550  
annually in the same manner as delinquent real property tax lists 31551  
are published. The county auditor shall apportion the cost of 31552  
publishing the list among taxing districts in proportion to the 31553  
amount of delinquent manufactured home taxes so published that 31554  
each taxing district is entitled to receive upon collection of 31555  
those taxes. 31556

(3) When taxes, penalties, or interest are charged against a 31557  
person on the delinquent manufactured home tax list and are not 31558  
paid within sixty days after the list is delivered to the county 31559  
treasurer, the county treasurer shall, in addition to any other 31560  
remedy provided by law for the collection of taxes, penalties, and 31561  
interest, enforce collection of such taxes, penalties, and 31562

interest by civil action in the name of the treasurer against the 31563  
owner for the recovery of the unpaid taxes following the 31564  
procedures for the recovery of delinquent real property taxes in 31565  
sections 323.25 to 323.28 of the Revised Code. The action may be 31566  
brought in municipal or county court, provided the amount charged 31567  
does not exceed the monetary limitations for original jurisdiction 31568  
for civil actions in those courts. 31569

It is sufficient, having made proper parties to the suit, for 31570  
the county treasurer to allege in the treasurer's bill of 31571  
particulars or petition that the taxes stand chargeable on the 31572  
books of the county treasurer against such person, that they are 31573  
due and unpaid, and that such person is indebted in the amount of 31574  
taxes appearing to be due the county. The treasurer need not set 31575  
forth any other matter relating thereto. If it is found on the 31576  
trial of the action that the person is indebted to the state, 31577  
judgment shall be rendered in favor of the county treasurer 31578  
prosecuting the action. The judgment debtor is not entitled to the 31579  
benefit of any law for stay of execution or exemption of property 31580  
from levy or sale on execution in the enforcement of the judgment. 31581

Upon the filing of an entry of confirmation of sale or an 31582  
order of forfeiture in a proceeding brought under this division, 31583  
title to the manufactured or mobile home shall be in the 31584  
purchaser. The clerk of courts shall issue a certificate of title 31585  
to the purchaser upon presentation of proof of filing of the entry 31586  
of confirmation or order and, in the case of a forfeiture, 31587  
presentation of the county auditor's certificate of sale. 31588

(I) The total amount of taxes collected shall be distributed 31589  
in the following manner: four per cent shall be allowed as 31590  
compensation to the county auditor for the county auditor's 31591  
service in assessing the taxes; two per cent shall be allowed as 31592  
compensation to the county treasurer for the services the county 31593  
treasurer renders as a result of the tax levied by this section. 31594



Such amounts shall be paid into the county treasury, to the credit 31595  
of the county general revenue fund, on the warrant of the county 31596  
auditor. Fees to be paid to the credit of the real estate 31597  
assessment fund shall be collected pursuant to division ~~(B)~~(C) of 31598  
section 319.54 of the Revised Code and paid into the county 31599  
treasury, on the warrant of the county auditor. The balance of the 31600  
taxes collected shall be distributed among the taxing subdivisions 31601  
of the county in which the taxes are collected and paid in the 31602  
same ratio as those taxes were collected for the benefit of the 31603  
taxing subdivision. The taxes levied and revenues collected under 31604  
this section shall be in lieu of any general property tax and any 31605  
tax levied with respect to the privilege of using or occupying a 31606  
manufactured or mobile home in this state except as provided in 31607  
sections 4503.04 and 5741.02 of the Revised Code. 31608

(J) An agreement to purchase or a bill of sale for a 31609  
manufactured home shall show whether or not the furnishings and 31610  
equipment are included in the purchase price. 31611

(K) If the county treasurer and the county prosecuting 31612  
attorney agree that an item charged on the delinquent manufactured 31613  
home tax list is uncollectible, they shall certify that 31614  
determination and the reasons to the county board of revision. If 31615  
the board determines the amount is uncollectible, it shall certify 31616  
its determination to the county auditor, who shall strike the item 31617  
from the list. 31618

(L)(1) The county auditor shall appraise at its true value 31619  
any manufactured or mobile home in which ownership is transferred 31620  
or which first acquires situs in this state on or after January 1, 31621  
2000, and any manufactured or mobile home the owner of which has 31622  
elected, under division (D)(4) of this section, to have the home 31623  
taxed under division (D)(2) of this section. The true value shall 31624  
include the value of the home, any additions, and any fixtures, 31625  
but not any furnishings in the home. In determining the true value 31626

of a manufactured or mobile home, the auditor shall consider all 31627  
facts and circumstances relating to the value of the home, 31628  
including its age, its capacity to function as a residence, any 31629  
obsolete characteristics, and other factors that may tend to prove 31630  
its true value. 31631

(2)(a) If a manufactured or mobile home has been the subject 31632  
of an arm's length sale between a willing seller and a willing 31633  
buyer within a reasonable length of time prior to the 31634  
determination of true value, the county auditor shall consider the 31635  
sale price of the home to be the true value for taxation purposes. 31636

(b) The sale price in an arm's length transaction between a 31637  
willing seller and a willing buyer shall not be considered the 31638  
true value of the home if either of the following occurred after 31639  
the sale: 31640

(i) The home has lost value due to a casualty. 31641

(ii) An addition or fixture has been added to the home. 31642

(3) The county auditor shall have each home viewed and 31643  
appraised at least once in each six-year period in the same year 31644  
in which real property in the county is appraised pursuant to 31645  
Chapter 5713. of the Revised Code, and shall update the appraised 31646  
values in the third calendar year following the appraisal. The 31647  
person viewing or appraising a home may enter the home to 31648  
determine by actual view any additions or fixtures that have been 31649  
added since the last appraisal. In conducting the appraisals and 31650  
establishing the true value, the auditor shall follow the 31651  
procedures set forth for appraising real property in sections 31652  
5713.01 and 5713.03 of the Revised Code. 31653

(4) The county auditor shall place the true value of each 31654  
home on the manufactured home tax list upon completion of an 31655  
appraisal. 31656

(5)(a) If the county auditor changes the true value of a 31657

home, the auditor shall notify the owner of the home in writing, 31658  
delivered by mail or in person. The notice shall be given at least 31659  
thirty days prior to the issuance of any tax bill that reflects 31660  
the change. Failure to receive the notice does not invalidate any 31661  
proceeding under this section. 31662

(b) Any owner of a home or any other person or party listed 31663  
in division (A)(1) of section 5715.19 of the Revised Code may file 31664  
a complaint against the true value of the home as appraised under 31665  
this section. The complaint shall be filed with the county auditor 31666  
on or before the thirty-first day of March of the current tax year 31667  
or the date of closing of the collection for the first half of 31668  
manufactured home taxes for the current tax year, whichever is 31669  
later. The auditor shall present to the county board of revision 31670  
all complaints filed with the auditor under this section. The 31671  
board shall hear and investigate the complaint and may take action 31672  
on it as provided under sections 5715.11 to 5715.19 of the Revised 31673  
Code. 31674

(c) If the county board of revision determines, pursuant to a 31675  
complaint against the valuation of a manufactured or mobile home 31676  
filed under this section, that the amount of taxes, assessments, 31677  
or other charges paid was in excess of the amount due based on the 31678  
valuation as finally determined, then the overpayment shall be 31679  
refunded in the manner prescribed in section 5715.22 of the 31680  
Revised Code. 31681

(d) Payment of all or part of a tax under this section for 31682  
any year for which a complaint is pending before the county board 31683  
of revision does not abate the complaint or in any way affect the 31684  
hearing and determination thereof. 31685

(M) If the county auditor determines that any tax or other 31686  
charge or any part thereof has been erroneously charged as a 31687  
result of a clerical error as defined in section 319.35 of the 31688  
Revised Code, the county auditor shall call the attention of the 31689

county board of revision to the erroneous charges. If the board 31690  
finds that the taxes or other charges have been erroneously 31691  
charged or collected, it shall certify the finding to the auditor. 31692  
Upon receipt of the certification, the auditor shall remove the 31693  
erroneous charges on the manufactured home tax list or delinquent 31694  
manufactured home tax list in the same manner as is prescribed in 31695  
section 319.35 of the Revised Code for erroneous charges against 31696  
real property, and refund any erroneous charges that have been 31697  
collected, with interest, in the same manner as is prescribed in 31698  
section 319.36 of the Revised Code for erroneous charges against 31699  
real property. 31700

(N) As used in this section and section 4503.061 of the 31701  
Revised Code: 31702

(1) "Manufactured home taxes" includes taxes, penalties, and 31703  
interest charged under division (C) or (G) of this section and any 31704  
penalties charged under division (G) or (H)(5) of section 4503.061 31705  
of the Revised Code. 31706

(2) "Current taxes" means all manufactured home taxes charged 31707  
against a manufactured or mobile home that have not appeared on 31708  
the manufactured home tax list for any prior year. Current taxes 31709  
become delinquent taxes if they remain unpaid after the last day 31710  
prescribed for payment of the second installment of current taxes 31711  
without penalty, whether or not they have been certified 31712  
delinquent. 31713

(3) "Delinquent taxes" means: 31714

(a) Any manufactured home taxes that were charged against a 31715  
manufactured or mobile home for a prior year, including any 31716  
penalties or interest charged for a prior year, and that remain 31717  
unpaid; 31718

(b) Any current manufactured home taxes charged against a 31719  
manufactured or mobile home that remain unpaid after the last day 31720

prescribed for payment of the second installment of current taxes 31721  
without penalty, whether or not they have been certified 31722  
delinquent, including any penalties or interest. 31723

**Sec. 4503.061.** (A) All manufactured and mobile homes shall be 31724  
listed on either the real property tax list or the manufactured 31725  
home tax list of the county in which the home has situs. Each 31726  
owner shall follow the procedures in this section to identify the 31727  
home to the county auditor of the county containing the taxing 31728  
district in which the home has situs so that the auditor may place 31729  
the home on the appropriate tax list. 31730

(B) When a manufactured or mobile home first acquires situs 31731  
in this state and is subject to real property taxation pursuant to 31732  
division (B)(1) or (2) of section 4503.06 of the Revised Code, the 31733  
owner shall present to the auditor of the county containing the 31734  
taxing district in which the home has its situs the certificate of 31735  
title for the home, together with proof that all taxes due have 31736  
been paid and proof that a relocation notice was obtained for the 31737  
home if required under this section. Upon receiving the 31738  
certificate of title and the required proofs, the auditor shall 31739  
place the home on the real property tax list and proceed to treat 31740  
the home as other properties on that list. After the auditor has 31741  
placed the home on the tax list of real and public utility 31742  
property, the auditor shall deliver the certificate of title to 31743  
the clerk of the court of common pleas that issued it pursuant to 31744  
section 4505.11 of the Revised Code, and the clerk shall 31745  
inactivate the certificate of title. 31746

(C)(1) When a manufactured or mobile home subject to a 31747  
manufactured home tax is relocated to or first acquires situs in 31748  
any county that has adopted a permanent manufactured home 31749  
registration system, as provided in division (F) of this section, 31750  
the owner, within thirty days after the home is relocated or first 31751

acquires situs under section 4503.06 of the Revised Code, shall 31752  
register the home with the county auditor of the county containing 31753  
the taxing district in which the home has its situs. For the first 31754  
registration in each county of situs, the owner or vendee in 31755  
possession shall present to the county auditor an Ohio certificate 31756  
of title, certified copy of the certificate of title, or 31757  
memorandum certificate of title as such are required by law, and 31758  
proof, as required by the county auditor, that the home, if it has 31759  
previously been occupied and is being relocated, has been 31760  
previously registered, that all taxes due and required to be paid 31761  
under division (H)(1) of this section before a relocation notice 31762  
may be issued have been paid, and that a relocation notice was 31763  
obtained for the home if required by division (H) of this section. 31764  
If the owner or vendee does not possess the Ohio certificate of 31765  
title, certified copy of the certificate of title, or memorandum 31766  
certificate of title at the time the owner or vendee first 31767  
registers the home in a county, the county auditor shall register 31768  
the home without presentation of the document, but the owner or 31769  
vendee shall present the certificate of title, certified copy of 31770  
the certificate of title, or memorandum certificate of title to 31771  
the county auditor within fourteen days after the owner or vendee 31772  
obtains possession of the document. 31773

(2) When a manufactured or mobile home is registered for the 31774  
first time in a county and when the total tax due has been paid as 31775  
required by division (F) of section 4503.06 of the Revised Code or 31776  
divisions (E) and (H) of this section, the county treasurer shall 31777  
note by writing or by a stamp on the certificate of title, 31778  
certified copy of certificate of title, or memorandum certificate 31779  
of title that the home has been registered and that the taxes due, 31780  
if any, have been paid for the preceding five years and for the 31781  
current year. The treasurer shall then issue a certificate 31782  
evidencing registration and a decal to be displayed on the street 31783  
side of the home. The certificate is valid in any county in this 31784

state during the year for which it is issued. 31785

(3) For each year thereafter, the county treasurer shall 31786  
issue a tax bill stating the amount of tax due under section 31787  
4503.06 of the Revised Code, as provided in division (D)(6) of 31788  
that section. When the total tax due has been paid as required by 31789  
division (F) of that section, the county treasurer shall issue a 31790  
certificate evidencing registration that shall be valid in any 31791  
county in this state during the year for which the certificate is 31792  
issued. 31793

(4) The permanent decal issued under this division is valid 31794  
during the period of ownership, except that when a manufactured 31795  
home is relocated in another county the owner shall apply for a 31796  
new registration as required by this section and section 4503.06 31797  
of the Revised Code. 31798

(D)(1) All owners of manufactured or mobile homes subject to 31799  
the manufactured home tax being relocated to or having situs in a 31800  
county that has not adopted a permanent registration system, as 31801  
provided in division (F) of this section, shall register the home 31802  
within thirty days after the home is relocated or first acquires 31803  
situs under section 4503.06 of the Revised Code and thereafter 31804  
shall annually register the home with the county auditor of the 31805  
county containing the taxing district in which the home has its 31806  
situs. 31807

(2) Upon the annual registration, the county treasurer shall 31808  
issue a tax bill stating the amount of annual manufactured home 31809  
tax due under section 4503.06 of the Revised Code, as provided in 31810  
division (D)(6) of that section. When a manufactured or mobile 31811  
home is registered and when the tax for the current one-half year 31812  
has been paid as required by division (F) of that section, the 31813  
county treasurer shall issue a certificate evidencing registration 31814  
and a decal. The certificate and decal are valid in any county in 31815  
this state during the year for which they are issued. The decal 31816

shall be displayed on the street side of the home. 31817

(3) For the first annual registration in each county of 31818  
situs, the county auditor shall require the owner or vendee to 31819  
present an Ohio certificate of title, certified copy of the 31820  
certificate of title, or memorandum certificate of title as such 31821  
are required by law, and proof, as required by the county auditor, 31822  
that the manufactured or mobile home has been previously 31823  
registered, if such registration was required, that all taxes due 31824  
and required to be paid under division (H)(1) of this section 31825  
before a relocation notice may be issued have been paid, and that 31826  
a relocation notice was obtained for the home if required by 31827  
division (H) of this section. If the owner or vendee does not 31828  
possess the Ohio certificate of title, certified copy of the 31829  
certificate of title, or memorandum certificate of title at the 31830  
time the owner or vendee first registers the home in a county, the 31831  
county auditor shall register the home without presentation of the 31832  
document, but the owner or vendee shall present the certificate of 31833  
title, certified copy of the certificate of title, or memorandum 31834  
certificate of title to the county auditor within fourteen days 31835  
after the owner or vendee obtains possession of the document. When 31836  
the county treasurer receives the tax payment, the county 31837  
treasurer shall note by writing or by a stamp on the certificate 31838  
of title, certified copy of the certificate of title, or 31839  
memorandum certificate of title that the home has been registered 31840  
for the current year and that the manufactured home taxes due, if 31841  
any, have been paid for the preceding five years and for the 31842  
current year. 31843

(4) For subsequent annual registrations, the auditor may 31844  
require the owner or vendee in possession to present an Ohio 31845  
certificate of title, certified copy of the certificate of title, 31846  
or memorandum certificate of title to the county treasurer upon 31847  
payment of the manufactured home tax that is due. 31848



(E)(1) Upon the application to transfer ownership of a 31849  
manufactured or mobile home for which manufactured home taxes are 31850  
paid pursuant to division (C) of section 4503.06 of the Revised 31851  
Code the clerk of the court of common pleas shall not issue any 31852  
certificate of title that does not contain or have attached both 31853  
of the following: 31854

(a) An endorsement of the county treasurer stating that the 31855  
home has been registered for each year of ownership and that all 31856  
manufactured home taxes imposed pursuant to section 4503.06 of the 31857  
Revised Code have been paid or that no tax is due; 31858

(b) An endorsement of the county auditor that the 31859  
manufactured home transfer tax imposed pursuant to section 322.06 31860  
of the Revised Code and any fees imposed under division ~~(F)~~(G) of 31861  
section 319.54 of the Revised Code have been paid. 31862

(2) If all the taxes have not been paid, the clerk shall 31863  
notify the vendee to contact the county treasurer of the county 31864  
containing the taxing district in which the home has its situs at 31865  
the time of the proposed transfer. The county treasurer shall then 31866  
collect all the taxes that are due for the year of the transfer 31867  
and all previous years not exceeding a total of five years. The 31868  
county treasurer shall distribute that part of the collection owed 31869  
to the county treasurer of other counties if the home had its 31870  
situs in another county during a particular year when the unpaid 31871  
tax became due and payable. The burden to prove the situs of the 31872  
home in the years that the taxes were not paid is on the 31873  
transferor of the home. Upon payment of the taxes, the county 31874  
auditor shall remove all remaining taxes from the manufactured 31875  
home tax list and the delinquent manufactured home tax list, and 31876  
the county treasurer shall release all liens for such taxes. The 31877  
clerk of courts shall issue a certificate of title, free and clear 31878  
of all liens for manufactured home taxes, to the transferee of the 31879  
home. 31880

(3) Once the transfer is complete and the certificate of title has been issued, the transferee shall register the manufactured or mobile home pursuant to division (C) or (D) of this section with the county auditor of the county containing the taxing district in which the home remains after the transfer or, if the home is relocated to another county, with the county auditor of the county to which the home is relocated. The transferee need not pay the annual tax for the year of acquisition if the original owner has already paid the annual tax for that year.

(F) The county auditor may adopt a permanent registration system and issue a permanent decal with the first registration as prescribed by the tax commissioner.

(G) When any manufactured or mobile home required to be registered by this section is not registered, the county auditor shall impose a penalty of one hundred dollars upon the owner and deposit the amount to the credit of the county real estate assessment fund to be used to pay the costs of administering this section and section 4503.06 of the Revised Code. If unpaid, the penalty shall constitute a lien on the home and shall be added by the county auditor to the manufactured home tax list for collection.

(H)(1) Except as otherwise provided in this division, before moving a manufactured or mobile home on public roads from one address within this state to another address within or outside this state, the owner of the home shall obtain a relocation notice, as provided by this section, from the auditor of the county in which the home is located if the home is currently subject to taxation pursuant to section 4503.06 of the Revised Code. The auditor shall charge five dollars for the notice, and deposit the amount to the credit of the county real estate assessment fund to be used to pay the costs of administering this

section and section 4503.06 of the Revised Code. The auditor shall 31913  
not issue a relocation notice unless all taxes owed on the home 31914  
under section 4503.06 of the Revised Code that were first charged 31915  
to the home during the period of ownership of the owner seeking 31916  
the relocation notice have been paid. If the home is being moved 31917  
by a new owner of the home or by a party taking repossession of 31918  
the home, the auditor shall not issue a relocation notice unless 31919  
all of the taxes due for the preceding five years and for the 31920  
current year have been paid. A relocation notice issued by a 31921  
county auditor is valid until the last day of December of the year 31922  
in which it was issued. 31923

If the home is being moved by a sheriff, police officer, 31924  
constable, bailiff, or manufactured home park operator, as defined 31925  
in section 3733.01 of the Revised Code, or any agent of any of 31926  
these persons, for purposes of removal from a manufactured home 31927  
park and storage, sale, or destruction under section 1923.14 of 31928  
the Revised Code, the auditor shall issue a relocation notice 31929  
without requiring payment of any taxes owed on the home under 31930  
section 4503.06 of the Revised Code. 31931

(2) If a manufactured or mobile home is not yet subject to 31932  
taxation under section 4503.06 of the Revised Code, the owner of 31933  
the home shall obtain a relocation notice from the dealer of the 31934  
home. Within thirty days after the manufactured or mobile home is 31935  
purchased, the dealer of the home shall provide the auditor of the 31936  
county in which the home is to be located written notice of the 31937  
name of the purchaser of the home, the registration number or 31938  
vehicle identification number of the home, and the address or 31939  
location to which the home is to be moved. The county auditor 31940  
shall provide to each manufactured and mobile home dealer, without 31941  
charge, a supply of relocation notices to be distributed to 31942  
purchasers pursuant to this section. 31943

(3) The notice shall be in the form of a one-foot square 31944

yellow sign with the words "manufactured home relocation notice" 31945  
printed prominently on it. The name of the owner of the home, the 31946  
home's registration number or vehicle identification number, the 31947  
county and the address or location to which the home is being 31948  
moved, and the county in which the notice is issued shall also be 31949  
entered on the notice. 31950

(4) The relocation notice must be attached to the rear of the 31951  
home when the home is being moved on a public road. Except as 31952  
provided in divisions (H)(1) and (5) of this section, no person 31953  
shall drive a motor vehicle moving a manufactured or mobile home 31954  
on a public road from one address to another address within this 31955  
state unless a relocation notice is attached to the rear of the 31956  
home. 31957

(5) If the county auditor determines that a manufactured or 31958  
mobile home has been moved without a relocation notice as required 31959  
under this division, the auditor shall impose a penalty of one 31960  
hundred dollars upon the owner of the home and upon the person who 31961  
moved the home and deposit the amount to the credit of the county 31962  
real estate assessment fund to pay the costs of administering this 31963  
section and section 4503.06 of the Revised Code. If the home was 31964  
relocated from one county in this state to another county in this 31965  
state and the county auditor of the county to which the home was 31966  
relocated imposes the penalty, that county auditor, upon 31967  
collection of the penalty, shall cause an amount equal to the 31968  
penalty to be transmitted from the county real estate assessment 31969  
fund to the county auditor of the county from which the home was 31970  
relocated, who shall deposit the amount to the credit of the 31971  
county real estate assessment fund. If the penalty on the owner is 31972  
unpaid, the penalty shall constitute a lien on the home and the 31973  
auditor shall add the penalty to the manufactured home tax list 31974  
for collection. If the county auditor determines that a dealer 31975  
that has sold a manufactured or mobile home has failed to timely 31976

provide the information required under this division, the auditor 31977  
shall impose a penalty upon the dealer in the amount of one 31978  
hundred dollars. The penalty shall be credited to the county real 31979  
estate assessment fund and used to pay the costs of administering 31980  
this section and section 4503.06 of the Revised Code. 31981

(I) Whoever violates division (H)(4) of this section is 31982  
guilty of a minor misdemeanor. 31983

**Sec. 4503.064.** As used in sections 4503.064 to 4503.069 of 31984  
the Revised Code: 31985

(A) "Sixty-five years of age or older" means a person who 31986  
will be age sixty-five or older in the calendar year following the 31987  
year of application for reduction in the assessable value of the 31988  
person's manufactured or mobile home. 31989

~~(B) "Total income" means the adjusted gross income of the 31990  
owner and the owner's spouse for the year preceding the year in 31991  
which application for a reduction in taxes is made, as determined 31992  
under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 31993  
U.S.C.A. 1, as amended, adjusted as follows: 31994~~

~~(1) Subtract the amount of disability benefits included in 31995  
adjusted gross income but not to exceed five thousand two hundred 31996  
dollars; 31997~~

~~(2) Add old age and survivors benefits received pursuant to 31998  
the "Social Security Act" that are not included in adjusted gross 31999  
income; 32000~~

~~(3) Add retirement, pension, annuity, or other retirement 32001  
payments or benefits not included in adjusted gross income; 32002~~

~~(4) Add tier I and II railroad retirement benefits received 32003  
pursuant to the "Railroad Retirement Act," 50 Stat. 307, 45 U.S.C. 32004  
228; 32005~~

~~(5) Add interest on federal, state, and local government 32006~~

obligations; 32007

~~(6) For a person who received the homestead exemption for a 32008  
prior year on the basis of being permanently and totally disabled 32009  
and whose current application for the exemption is made on the 32010  
basis of age, subtract the following amount: 32011~~

~~(a) If the person received disability benefits that were not 32012  
included in adjusted gross income in the year preceding the first 32013  
year in which the person applied for the exemption on the basis of 32014  
age, subtract an amount equal to the disability benefits the 32015  
person received in that preceding year, to the extent included in 32016  
total income in the current year and not subtracted under division 32017  
(B)(1) of this section in the current year; 32018~~

~~(b) If the person received disability benefits that were 32019  
included in adjusted gross income in the year preceding the first 32020  
year in which the person applied for the exemption on the basis of 32021  
age, subtract an amount equal to the amount of disability benefits 32022  
that were subtracted pursuant to division (B)(1) of this section 32023  
in that preceding year, to the extent included in total income in 32024  
the current year and not subtracted under division (B)(1) of this 32025  
section in the current year. 32026~~

~~Disability benefits that are paid by the department of 32027  
veterans affairs or a branch of the armed forces of the United 32028  
States on account of an injury or disability shall not be included 32029  
in total income. 32030~~

~~(C) "Old age and survivors benefits received pursuant to the 32031  
'Social Security Act'" or "tier I railroad retirement benefits 32032  
received pursuant to the 'Railroad Retirement Act'" means: 32033~~

~~(1) The old age benefits payable under the social security or 32034  
railroad retirement laws in effect on the last day of the calendar 32035  
year preceding the year in which the applicant's application for 32036  
reduction is first successfully made, or, if no such benefits are 32037~~

~~payable that year, old age benefits payable the first succeeding 32038  
year in which old age benefits under the social security or 32039  
railroad retirement laws are payable, except in those cases where 32040  
a change in social security or railroad retirement benefits 32041  
results in a reduction in income. 32042~~

~~(2) The lesser of: 32043~~

~~(a) Survivors benefits payable under the social security or 32044  
railroad retirement laws in effect on the last day of the calendar 32045  
year preceding the year in which the applicant's application for 32046  
reduction is first successfully made, or, if no such benefits are 32047  
payable that year, survivors benefits payable the first succeeding 32048  
year in which survivors benefits are payable; or 32049~~

~~(b) Old age benefits of the deceased spouse, as determined 32050  
under division (C)(1) of this section, upon which the surviving 32051  
spouse's survivors benefits are based under the social security or 32052  
railroad retirement laws, except in those cases where a change in 32053  
benefits would cause a reduction in income. 32054~~

~~Survivors benefits are those described in division (C)(2)(b) 32055  
of this section only if the deceased spouse received old age 32056  
benefits in the year in which the deceased died. If the deceased 32057  
spouse did not receive old age benefits in the year in which the 32058  
deceased died, then survivors benefits are those described in 32059  
division (C)(2)(a) of this section. 32060~~

~~(D) "Permanently and totally disabled" means a person who, on 32061  
the first day of January of the year of application, including 32062  
late application, for reduction in the assessable value of a 32063  
manufactured or mobile home, has some impairment in body or mind 32064  
that makes the person unable to work at any substantially 32065  
remunerative employment which the person is reasonably able to 32066  
perform and which will, with reasonable probability, continue for 32067  
an indefinite period of at least twelve months without any present 32068~~

indication of recovery therefrom or has been certified as 32069  
permanently and totally disabled by a state or federal agency 32070  
having the function of so classifying persons. 32071

~~(E)~~(C) "Homestead exemption" means the reduction in taxes 32072  
allowed under division (A) of section 323.152 of the Revised Code 32073  
for the year in which an application is filed under section 32074  
4503.066 of the Revised Code. 32075

~~(F)~~(D) "Manufactured home" has the meaning given in division 32076  
(C)(4) of section 3781.06 of the Revised Code, and includes a 32077  
structure consisting of two manufactured homes that were purchased 32078  
either together or separately and are combined to form a single 32079  
dwelling, but does not include a manufactured home that is taxed 32080  
as real property pursuant to division (B) of section 4503.06 of 32081  
the Revised Code. 32082

~~(G)~~(E) "Mobile home" has the meaning given in division (O) of 32083  
section 4501.01 of the Revised Code and includes a structure 32084  
consisting of two mobile homes that were purchased together or 32085  
separately and combined to form a single dwelling, but does not 32086  
include a mobile home that is taxed as real property pursuant to 32087  
division (B) of section 4503.06 of the Revised Code. 32088

~~(H)~~(F) "Late application" means an application filed with an 32089  
original application under division (A)(3) of section 4503.066 of 32090  
the Revised Code. 32091

**Sec. 4503.065.** (A) This section applies to any of the 32092  
following: 32093

- (1) An individual who is permanently and totally disabled; 32094
- (2) An individual who is sixty-five years of age or older; 32095
- (3) An individual who is the surviving spouse of a deceased 32096  
person who was permanently and totally disabled or sixty-five 32097  
years of age or older and who applied and qualified for a 32098



reduction in assessable value under this section in the year of 32099  
 death, provided the surviving spouse is at least fifty-nine but 32100  
 not sixty-five or more years of age on the date the deceased 32101  
 spouse dies. 32102

(B)~~(1)~~ The manufactured home tax on a manufactured or mobile 32103  
 home that is paid pursuant to division (C) of section 4503.06 of 32104  
 the Revised Code and that is owned and occupied as a home by an 32105  
 individual whose domicile is in this state and to whom this 32106  
 section applies, shall be reduced for any tax year for which the 32107  
 owner obtains a certificate of reduction from the county auditor 32108  
 under section 4503.067 of the Revised Code, provided the 32109  
 individual did not acquire ownership from a person, other than the 32110  
 individual's spouse, related by consanguinity or affinity for the 32111  
 purpose of qualifying for the reduction ~~in assessable value~~. An 32112  
 owner includes a settlor of a revocable inter vivos trust holding 32113  
 the title to a manufactured or mobile home occupied by the settlor 32114  
 as of right under the trust. The reduction shall equal the ~~amount~~ 32115  
~~obtained by multiplying the tax rate for the tax year for which~~ 32116  
~~the certificate is issued by the reduction in assessable value~~ 32117  
~~shown in the following schedule.~~ 32118

	<del>Reduce Assessable Value</del>	
<del>Total Income</del>	<del>by the Lesser of:</del>	
	<del>Column A</del>	<del>Column B</del>
<del>\$11,900 or less</del>	<del>\$5,000 or seventy five per cent</del>	32122
<del>More than \$11,900 but not more than \$17,500</del>	<del>\$3,000 or sixty per cent</del>	32123
<del>More than \$17,500 but not more than \$23,000</del>	<del>\$1,000 or twenty five per cent</del>	32124
<del>More than \$23,000</del>	<del>-0-</del>	32125

~~(2) Each calendar year, the tax commissioner shall adjust the 32126  
 foregoing schedule by completing the following calculations in 32127  
 September of each year:~~ 32128

~~(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;~~ 32129  
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~~(b) Multiply that percentage increase by each of the total income amounts, and by each dollar amount by which assessable value is reduced, for the ensuing tax year;~~ 32134  
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~~(c) Add the resulting product to each of the total income amounts, and to each of the dollar amounts by which assessable value is reduced, for the ensuing tax year;~~ 32137  
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~~(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;~~ 32140  
32141  
32142

~~(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.~~ 32143  
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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:~~ 32148  
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~~(1) Twenty-five thousand dollars of the true value of the property in money;~~ 32158  
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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; 32160  
32161  
32162

(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. 32163  
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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 upon which the home is located, the reduction ~~in assessable value~~ to which the owner or spouse is entitled under this section shall not exceed the difference between the reduction ~~in assessable value~~ to which the owner or spouse is entitled under ~~column A of the above schedule~~ division (B) of this section and the amount of the reduction ~~in taxable value that was used to compute~~ under the homestead exemption. 32168  
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(D) No reduction shall be made ~~on the assessable value of~~ with respect to the home of any person convicted of violating division (C) or (D) of section 4503.066 of the Revised Code for a period of three years following the conviction. 32177  
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**Sec. 4503.066.** (A)(1) To obtain a tax reduction ~~in the assessable value of a manufactured or mobile home~~ under section 4503.065 of the Revised Code, the owner of the home shall file an application with the county auditor of the county in which the home is located. An application for reduction in ~~assessable value~~ taxes based upon a physical disability shall be accompanied by a certificate signed by a physician, and an application for reduction in ~~assessable value~~ taxes based upon a mental disability shall be accompanied by a certificate signed by a physician or psychologist licensed to practice in this state. The certificate 32181  
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shall attest to the fact that the applicant is permanently and 32191  
totally disabled, shall be in a form that the department of 32192  
taxation requires, and shall include the definition of totally and 32193  
permanently disabled as set forth in section 4503.064 of the 32194  
Revised Code. An application for reduction in ~~assessable value~~ 32195  
taxes based upon a disability certified as permanent and total by 32196  
a state or federal agency having the function of so classifying 32197  
persons shall be accompanied by a certificate from that agency. 32198

(2) Each application shall constitute a continuing 32199  
application for a reduction in ~~assessable value~~ taxes for each 32200  
year in which the manufactured or mobile home is occupied by the 32201  
applicant ~~and in which the amount of the reduction in assessable~~ 32202  
~~value does not exceed either the amount or per cent of the~~ 32203  
~~reduction for the year in which the application was first filed.~~ 32204  
Failure to receive a new application or notification under 32205  
division (B) of this section after a certificate of reduction has 32206  
been issued under section 4503.067 of the Revised Code is 32207  
prima-facie evidence that the original applicant is entitled to 32208  
the reduction ~~in assessable value~~ calculated on the basis of the 32209  
information contained in the original application. The original 32210  
application and any subsequent application shall be in the form of 32211  
a signed statement and shall be filed not later than the first 32212  
Monday in June. The statement shall be on a form, devised and 32213  
supplied by the tax commissioner, that shall require no more 32214  
information than is necessary to establish the applicant's 32215  
eligibility for the reduction in ~~assessable value~~ taxes and the 32216  
amount of the reduction to which the applicant is entitled. ~~The~~ 32217  
~~form shall contain a statement that signing such application~~ 32218  
~~constitutes a delegation of authority by the applicant to the~~ 32219  
~~county auditor to examine any financial records that relate to~~ 32220  
~~income earned by the applicant as stated on the application for~~ 32221  
~~the purpose of determining eligibility under, or possible~~ 32222  
~~violation of, division (C) or (D) of this section.~~ The form also 32223

shall contain a statement that conviction of willfully falsifying 32224  
information to obtain a reduction in ~~assessable value~~ taxes or 32225  
failing to comply with division (B) of this section shall result 32226  
in the revocation of the right to the reduction for a period of 32227  
three years. 32228

(3) A late application for a reduction in ~~assessable value~~ 32229  
taxes for the year preceding the year for which an original 32230  
application is filed may be filed with an original application. If 32231  
the auditor determines that the information contained in the late 32232  
application is correct, the auditor shall determine both the 32233  
amount of the reduction in ~~assessable value~~ taxes to which the 32234  
applicant would have been entitled for the current tax year had 32235  
the application been timely filed and approved in the preceding 32236  
year, and the amount the taxes levied under section 4503.06 of the 32237  
Revised Code for the current year would have been reduced as a 32238  
result of the reduction ~~in assessable value~~. When an applicant is 32239  
permanently and totally disabled on the first day of January of 32240  
the year in which the applicant files a late application, the 32241  
auditor, in making the determination of the amounts of the 32242  
reduction in ~~assessable value and~~ taxes under division (A)(3) of 32243  
this section, is not required to determine that the applicant was 32244  
permanently and totally disabled on the first day of January of 32245  
the preceding year. 32246

The amount of the reduction in taxes pursuant to a late 32247  
application shall be treated as an overpayment of taxes by the 32248  
applicant. The auditor shall credit the amount of the overpayment 32249  
against the amount of the taxes or penalties then due from the 32250  
applicant, and, at the next succeeding settlement, the amount of 32251  
the credit shall be deducted from the amount of any taxes or 32252  
penalties distributable to the county or any taxing unit in the 32253  
county that has received the benefit of the taxes or penalties 32254  
previously overpaid, in proportion to the benefits previously 32255

received. If, after the credit has been made, there remains a 32256  
balance of the overpayment, or if there are no taxes or penalties 32257  
due from the applicant, the auditor shall refund that balance to 32258  
the applicant by a warrant drawn on the county treasurer in favor 32259  
of the applicant. The treasurer shall pay the warrant from the 32260  
general fund of the county. If there is insufficient money in the 32261  
general fund to make the payment, the treasurer shall pay the 32262  
warrant out of any undivided manufactured or mobile home taxes 32263  
subsequently received by the treasurer for distribution to the 32264  
county or taxing district in the county that received the benefit 32265  
of the overpaid taxes, in proportion to the benefits previously 32266  
received, and the amount paid from the undivided funds shall be 32267  
deducted from the money otherwise distributable to the county or 32268  
taxing district in the county at the next or any succeeding 32269  
distribution. At the next or any succeeding distribution after 32270  
making the refund, the treasurer shall reimburse the general fund 32271  
for any payment made from that fund by deducting the amount of 32272  
that payment from the money distributable to the county or other 32273  
taxing unit in the county that has received the benefit of the 32274  
taxes, in proportion to the benefits previously received. On the 32275  
second Monday in September of each year, the county auditor shall 32276  
certify the total amount of the reductions in taxes made in the 32277  
current year under division (A)(3) of this section to the tax 32278  
commissioner who shall treat that amount as a reduction in taxes 32279  
for the current tax year and shall make reimbursement to the 32280  
county of that amount in the manner prescribed in section 4503.068 32281  
of the Revised Code, from moneys appropriated for that purpose. 32282

(B) If in any year after an application has been filed under 32283  
division (A) of this section the owner no longer qualifies for the 32284  
reduction in ~~assessable value~~ taxes for which the owner was issued 32285  
a certificate ~~or qualifies for a reduction that is less than~~ 32286  
~~either the per cent or amount of the reduction to which the owner~~ 32287  
~~was entitled in the year the application was filed,~~ the owner 32288

shall notify the county auditor that the owner is not qualified 32289  
for a reduction in ~~the assessable value of the home or file a new~~ 32290  
~~application under division (A) of this section~~ taxes. 32291

During January of each year, the county auditor shall furnish 32292  
each person issued a certificate of reduction ~~in value~~, by 32293  
ordinary mail, a form on which to report any ~~changes in total~~ 32294  
~~income that would have the effect of increasing or decreasing the~~ 32295  
~~reduction to which the person is entitled~~, changes in ownership of 32296  
the home, including changes in or revocation of a revocable inter 32297  
vivos trust, changes in disability, and other changes in the 32298  
information earlier furnished the auditor relative to the 32299  
application. ~~The form shall be completed and returned to the~~ 32300  
~~auditor not later than the first Monday in June if the changes~~ 32301  
~~would affect the level of reduction in assessable value.~~ 32302

(C) No person shall knowingly make a false statement for the 32303  
purpose of obtaining a reduction in ~~assessable value~~ taxes under 32304  
section 4503.065 of the Revised Code. 32305

(D) No person shall knowingly fail to notify the county 32306  
auditor of any change required by division (B) of this section 32307  
that has the effect of maintaining or securing a reduction in 32308  
~~assessable value of the home in excess of the reduction allowed~~ 32309  
taxes under section 4503.065 of the Revised Code. 32310

(E) No person shall knowingly make a false statement or 32311  
certification attesting to any person's physical or mental 32312  
condition for purposes of qualifying such person for tax relief 32313  
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 32314

(F) Whoever violates division (C), (D), or (E) of this 32315  
section is guilty of a misdemeanor of the fourth degree. 32316

**Sec. 4503.067.** (A) At the same time the tax bill for the 32317  
first half of the tax year is issued, the county auditor shall 32318

issue a certificate of reduction in ~~assessable value of~~ taxes for 32319  
a manufactured or mobile home in triplicate for each person who 32320  
has complied with section 4503.066 of the Revised Code and been 32321  
found by the auditor to be entitled to a reduction ~~of assessable~~ 32322  
value in taxes for the succeeding tax year. The certificate shall 32323  
set forth the ~~assessable value of the home calculated under~~ 32324  
~~section 4503.06 of the Revised Code and the~~ amount of the 32325  
reduction in ~~assessable value of the home~~ taxes calculated under 32326  
section 4503.065 of the Revised Code. Upon issuance of the 32327  
certificate, the auditor shall reduce the ~~assessable value of~~ 32328  
manufactured home tax levied on the home for the succeeding tax 32329  
year by the required amount and forward the original and one copy 32330  
of the certificate to the county treasurer. The auditor shall 32331  
retain one copy of the certificate. The treasurer shall retain the 32332  
original certificate and forward the remaining copy to the 32333  
recipient with the tax bill delivered pursuant to division (D)(6) 32334  
of section 4503.06 of the Revised Code. 32335

(B) If the application or a continuing application is not 32336  
approved, the auditor shall notify the applicant of the reasons 32337  
for denial no later than the first Monday in October. If a person 32338  
believes that the person's application for reduction in ~~assessable~~ 32339  
~~value of a home~~ taxes has been improperly denied or is for less 32340  
than that to which the person is entitled, the person may file an 32341  
appeal with the county board of revision no later than the 32342  
thirty-first day of January of the following calendar year. The 32343  
appeal shall be treated in the same manner as a complaint relating 32344  
to the valuation or assessment of real property under Chapter 32345  
5715. of the Revised Code. 32346

**Sec. 4503.10.** (A) The owner of every snowmobile, off-highway 32347  
motorcycle, and all-purpose vehicle required to be registered 32348  
under section 4519.02 of the Revised Code shall file an 32349  
application for registration under section 4519.03 of the Revised 32350



Code. The owner of a motor vehicle, other than a snowmobile, 32351  
off-highway motorcycle, or all-purpose vehicle, that is not 32352  
designed and constructed by the manufacturer for operation on a 32353  
street or highway may not register it under this chapter except 32354  
upon certification of inspection pursuant to section 4513.02 of 32355  
the Revised Code by the sheriff, or the chief of police of the 32356  
municipal corporation or township, with jurisdiction over the 32357  
political subdivision in which the owner of the motor vehicle 32358  
resides. Except as provided in section 4503.103 of the Revised 32359  
Code, every owner of every other motor vehicle not previously 32360  
described in this section and every person mentioned as owner in 32361  
the last certificate of title of a motor vehicle that is operated 32362  
or driven upon the public roads or highways shall cause to be 32363  
filed each year, by mail or otherwise, in the office of the 32364  
registrar of motor vehicles or a deputy registrar, a written or 32365  
electronic application or a preprinted registration renewal notice 32366  
issued under section 4503.102 of the Revised Code, the form of 32367  
which shall be prescribed by the registrar, for registration for 32368  
the following registration year, which shall begin on the first 32369  
day of January of every calendar year and end on the thirty-first 32370  
day of December in the same year. Applications for registration 32371  
and registration renewal notices shall be filed at the times 32372  
established by the registrar pursuant to section 4503.101 of the 32373  
Revised Code. A motor vehicle owner also may elect to apply for or 32374  
renew a motor vehicle registration by electronic means using 32375  
electronic signature in accordance with rules adopted by the 32376  
registrar. Except as provided in division (J) of this section, 32377  
applications for registration shall be made on blanks furnished by 32378  
the registrar for that purpose, containing the following 32379  
information: 32380

(1) A brief description of the motor vehicle to be 32381  
registered, including the year, make, model, and vehicle 32382  
identification number, and, in the case of commercial cars, the 32383

gross weight of the vehicle fully equipped computed in the manner 32384  
prescribed in section 4503.08 of the Revised Code; 32385

(2) The name and residence address of the owner, and the 32386  
township and municipal corporation in which the owner resides; 32387

(3) The district of registration, which shall be determined 32388  
as follows: 32389

(a) In case the motor vehicle to be registered is used for 32390  
hire or principally in connection with any established business or 32391  
branch business, conducted at a particular place, the district of 32392  
registration is the municipal corporation in which that place is 32393  
located or, if not located in any municipal corporation, the 32394  
county and township in which that place is located. 32395

(b) In case the vehicle is not so used, the district of 32396  
registration is the municipal corporation or county in which the 32397  
owner resides at the time of making the application. 32398

(4) Whether the motor vehicle is a new or used motor vehicle; 32399

(5) The date of purchase of the motor vehicle; 32400

(6) Whether the fees required to be paid for the registration 32401  
or transfer of the motor vehicle, during the preceding 32402  
registration year and during the preceding period of the current 32403  
registration year, have been paid. Each application for 32404  
registration shall be signed by the owner, either manually or by 32405  
electronic signature, or pursuant to obtaining a limited power of 32406  
attorney authorized by the registrar for registration, or other 32407  
document authorizing such signature. If the owner elects to apply 32408  
for or renew the motor vehicle registration with the registrar by 32409  
electronic means, the owner's manual signature is not required. 32410

(7) The owner's social security number, if assigned, or, 32411  
where a motor vehicle to be registered is used for hire or 32412  
principally in connection with any established business, the 32413

owner's federal taxpayer identification number. The bureau of 32414  
motor vehicles shall retain in its records all social security 32415  
numbers provided under this section, but the bureau shall not 32416  
place social security numbers on motor vehicle certificates of 32417  
registration. 32418

(B) Except as otherwise provided in this division, each time 32419  
an applicant first registers a motor vehicle in the applicant's 32420  
name, the applicant shall present for inspection a physical 32421  
certificate of title or memorandum certificate showing title to 32422  
the motor vehicle to be registered in the name of the applicant if 32423  
a physical certificate of title or memorandum certificate has been 32424  
issued by a clerk of a court of common pleas. If, under sections 32425  
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 32426  
instead has issued an electronic certificate of title for the 32427  
applicant's motor vehicle, that certificate may be presented for 32428  
inspection at the time of first registration in a manner 32429  
prescribed by rules adopted by the registrar. An applicant is not 32430  
required to present a certificate of title to an electronic motor 32431  
vehicle dealer acting as a limited authority deputy registrar in 32432  
accordance with rules adopted by the registrar. When a motor 32433  
vehicle inspection and maintenance program is in effect under 32434  
section 3704.14 of the Revised Code and rules adopted under it, 32435  
each application for registration for a vehicle required to be 32436  
inspected under that section and those rules shall be accompanied 32437  
by an inspection certificate for the motor vehicle issued in 32438  
accordance with that section. The application shall be refused if 32439  
any of the following applies: 32440

(1) The application is not in proper form. 32441

(2) The application is prohibited from being accepted by 32442  
division (D) of section 2935.27, division (A) of section 2937.221, 32443  
division (A) of section 4503.13, division (B) of section 4510.22, 32444  
or division (B)(1) of section 4521.10 of the Revised Code. 32445

(3) A certificate of title or memorandum certificate of title 32446  
is required but does not accompany the application or, in the case 32447  
of an electronic certificate of title, is required but is not 32448  
presented in a manner prescribed by the registrar's rules. 32449

(4) All registration and transfer fees for the motor vehicle, 32450  
for the preceding year or the preceding period of the current 32451  
registration year, have not been paid. 32452

(5) The owner or lessee does not have an inspection 32453  
certificate for the motor vehicle as provided in section 3704.14 32454  
of the Revised Code, and rules adopted under it, if that section 32455  
is applicable. 32456

This section does not require the payment of license or 32457  
registration taxes on a motor vehicle for any preceding year, or 32458  
for any preceding period of a year, if the motor vehicle was not 32459  
taxable for that preceding year or period under sections 4503.02, 32460  
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 32461  
Revised Code. When a certificate of registration is issued upon 32462  
the first registration of a motor vehicle by or on behalf of the 32463  
owner, the official issuing the certificate shall indicate the 32464  
issuance with a stamp on the certificate of title or memorandum 32465  
certificate or, in the case of an electronic certificate of title, 32466  
an electronic stamp or other notation as specified in rules 32467  
adopted by the registrar, and with a stamp on the inspection 32468  
certificate for the motor vehicle, if any. The official also shall 32469  
indicate, by a stamp or by other means the registrar prescribes, 32470  
on the registration certificate issued upon the first registration 32471  
of a motor vehicle by or on behalf of the owner the odometer 32472  
reading of the motor vehicle as shown in the odometer statement 32473  
included in or attached to the certificate of title. Upon each 32474  
subsequent registration of the motor vehicle by or on behalf of 32475  
the same owner, the official also shall so indicate the odometer 32476  
reading of the motor vehicle as shown on the immediately preceding 32477

certificate of registration. 32478

The registrar shall include in the permanent registration 32479  
record of any vehicle required to be inspected under section 32480  
3704.14 of the Revised Code the inspection certificate number from 32481  
the inspection certificate that is presented at the time of 32482  
registration of the vehicle as required under this division. 32483

(C)(1) Commencing with each registration renewal with an 32484  
expiration date on or after October 1, 2003, and for each initial 32485  
application for registration received on and after that date, the 32486  
registrar and each deputy registrar shall collect an additional 32487  
fee of eleven dollars for each application for registration and 32488  
registration renewal received. The additional fee is for the 32489  
purpose of defraying the department of public safety's costs 32490  
associated with the administration and enforcement of the motor 32491  
vehicle and traffic laws of Ohio. Each deputy registrar shall 32492  
transmit the fees collected under division (C)(1) of this section 32493  
in the time and manner provided in this section. The registrar 32494  
shall deposit all moneys received under division (C)(1) of this 32495  
section into the state highway safety fund established in section 32496  
4501.06 of the Revised Code. 32497

(2) In addition, a charge of twenty-five cents shall be made 32498  
for each reflectorized safety license plate issued, and a single 32499  
charge of twenty-five cents shall be made for each county 32500  
identification sticker or each set of county identification 32501  
stickers issued, as the case may be, to cover the cost of 32502  
producing the license plates and stickers, including material, 32503  
manufacturing, and administrative costs. Those fees shall be in 32504  
addition to the license tax. If the total cost of producing the 32505  
plates is less than twenty-five cents per plate, or if the total 32506  
cost of producing the stickers is less than twenty-five cents per 32507  
sticker or per set issued, any excess moneys accruing from the 32508  
fees shall be distributed in the same manner as provided by 32509

section 4501.04 of the Revised Code for the distribution of 32510  
license tax moneys. If the total cost of producing the plates 32511  
exceeds twenty-five cents per plate, or if the total cost of 32512  
producing the stickers exceeds twenty-five cents per sticker or 32513  
per set issued, the difference shall be paid from the license tax 32514  
moneys collected pursuant to section 4503.02 of the Revised Code. 32515

(D) Each deputy registrar shall be allowed a fee of two 32516  
dollars and seventy-five cents commencing on July 1, 2001, three 32517  
dollars and twenty-five cents commencing on January 1, 2003, and 32518  
three dollars and fifty cents commencing on January 1, 2004, for 32519  
each application for registration and registration renewal notice 32520  
the deputy registrar receives, which shall be for the purpose of 32521  
compensating the deputy registrar for the deputy registrar's 32522  
services, and such office and rental expenses, as may be necessary 32523  
for the proper discharge of the deputy registrar's duties in the 32524  
receiving of applications and renewal notices and the issuing of 32525  
registrations. 32526

(E) Upon the certification of the registrar, the county 32527  
sheriff or local police officials shall recover license plates 32528  
erroneously or fraudulently issued. 32529

(F) Each deputy registrar, upon receipt of any application 32530  
for registration or registration renewal notice, together with the 32531  
license fee and any local motor vehicle license tax levied 32532  
pursuant to Chapter 4504. of the Revised Code, shall transmit that 32533  
fee and tax, if any, in the manner provided in this section, 32534  
together with the original and duplicate copy of the application, 32535  
to the registrar. The registrar, subject to the approval of the 32536  
director of public safety, may deposit the funds collected by 32537  
those deputies in a local bank or depository to the credit of the 32538  
"state of Ohio, bureau of motor vehicles." Where a local bank or 32539  
depository has been designated by the registrar, each deputy 32540  
registrar shall deposit all moneys collected by the deputy 32541

registrar into that bank or depository not more than one business 32542  
day after their collection and shall make reports to the registrar 32543  
of the amounts so deposited, together with any other information, 32544  
some of which may be prescribed by the treasurer of state, as the 32545  
registrar may require and as prescribed by the registrar by rule. 32546  
The registrar, within three days after receipt of notification of 32547  
the deposit of funds by a deputy registrar in a local bank or 32548  
depository, shall draw on that account in favor of the treasurer 32549  
of state. The registrar, subject to the approval of the director 32550  
and the treasurer of state, may make reasonable rules necessary 32551  
for the prompt transmittal of fees and for safeguarding the 32552  
interests of the state and of counties, townships, municipal 32553  
corporations, and transportation improvement districts levying 32554  
local motor vehicle license taxes. The registrar may pay service 32555  
charges usually collected by banks and depositories for such 32556  
service. If deputy registrars are located in communities where 32557  
banking facilities are not available, they shall transmit the fees 32558  
forthwith, by money order or otherwise, as the registrar, by rule 32559  
approved by the director and the treasurer of state, may 32560  
prescribe. The registrar may pay the usual and customary fees for 32561  
such service. 32562

(G) This section does not prevent any person from making an 32563  
application for a motor vehicle license directly to the registrar 32564  
by mail, by electronic means, or in person at any of the 32565  
registrar's offices, upon payment of a service fee of two dollars 32566  
and seventy-five cents commencing on July 1, 2001, three dollars 32567  
and twenty-five cents commencing on January 1, 2003, and three 32568  
dollars and fifty cents commencing on January 1, 2004, for each 32569  
application. 32570

(H) No person shall make a false statement as to the district 32571  
of registration in an application required by division (A) of this 32572  
section. Violation of this division is falsification under section 32573

2921.13 of the Revised Code and punishable as specified in that section. 32574  
32575

(I)(1) Where applicable, the requirements of division (B) of this section relating to the presentation of an inspection certificate issued under section 3704.14 of the Revised Code and rules adopted under it for a motor vehicle, the refusal of a license for failure to present an inspection certificate, and the stamping of the inspection certificate by the official issuing the certificate of registration apply to the registration of and issuance of license plates for a motor vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised Code. 32576  
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(2)(a) The registrar shall adopt rules ensuring that each owner registering a motor vehicle in a county where a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it receives information about the requirements established in that section and those rules and about the need in those counties to present an inspection certificate with an application for registration or preregistration. 32587  
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(b) Upon request, the registrar shall provide the director of environmental protection, or any person that has been awarded a contract under ~~division (D)~~ of section 3704.14 of the Revised Code, an on-line computer data link to registration information for all passenger cars, noncommercial motor vehicles, and commercial cars that are subject to that section. The registrar also shall provide to the director of environmental protection a magnetic data tape containing registration information regarding passenger cars, noncommercial motor vehicles, and commercial cars for which a multi-year registration is in effect under section 4503.103 of the Revised Code or rules adopted under it, including, 32595  
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without limitation, the date of issuance of the multi-year 32606  
registration, the registration deadline established under rules 32607  
adopted under section 4503.101 of the Revised Code that was 32608  
applicable in the year in which the multi-year registration was 32609  
issued, and the registration deadline for renewal of the 32610  
multi-year registration. 32611

(J) Application for registration under the international 32612  
registration plan, as set forth in sections 4503.60 to 4503.66 of 32613  
the Revised Code, shall be made to the registrar on forms 32614  
furnished by the registrar. In accordance with international 32615  
registration plan guidelines and pursuant to rules adopted by the 32616  
registrar, the forms shall include the following: 32617

(1) A uniform mileage schedule; 32618

(2) The gross vehicle weight of the vehicle or combined gross 32619  
vehicle weight of the combination vehicle as declared by the 32620  
registrant; 32621

(3) Any other information the registrar requires by rule. 32622

**Sec. 4503.102.** (A) The registrar of motor vehicles shall 32623  
adopt rules to establish a centralized system of motor vehicle 32624  
registration renewal by mail or by electronic means. Any person 32625  
owning a motor vehicle that was registered in the person's name 32626  
during the preceding registration year shall renew the 32627  
registration of the motor vehicle not more than ninety days prior 32628  
to the expiration date of the registration either by mail or by 32629  
electronic means through the centralized system of registration 32630  
established under this section, or in person at any office of the 32631  
registrar or at a deputy registrar's office. 32632

(B)(1) No less than forty-five days prior to the expiration 32633  
date of any motor vehicle registration, the registrar shall mail a 32634  
renewal notice to the person in whose name the motor vehicle is 32635

registered. The renewal notice shall clearly state that the 32636  
registration of the motor vehicle may be renewed by mail or 32637  
electronic means through the centralized system of registration or 32638  
in person at any office of the registrar or at a deputy 32639  
registrar's office and shall be preprinted with information 32640  
including, but not limited to, the owner's name and residence 32641  
address as shown in the records of the bureau of motor vehicles, a 32642  
brief description of the motor vehicle to be registered, notice of 32643  
the license taxes and fees due on the motor vehicle, the toll-free 32644  
telephone number of the registrar as required under division 32645  
(D)(1) of section 4503.031 of the Revised Code, and any additional 32646  
information the registrar may require by rule. The renewal notice 32647  
shall be sent by regular mail to the owner's last known address as 32648  
shown in the records of the bureau of motor vehicles. 32649

(2) If the application for renewal of the registration of a 32650  
motor vehicle is prohibited from being accepted by the registrar 32651  
or a deputy registrar by division (D) of section 2935.27, division 32652  
(A) of section 2937.221, division (A) of section 4503.13, division 32653  
(B) of section 4510.22, or division (B)(1) of section 4521.10 of 32654  
the Revised Code, the registrar is not required to send a renewal 32655  
notice to the vehicle owner or vehicle lessee. 32656

(C) The owner of the motor vehicle shall verify the 32657  
information contained in the notice, sign it either manually or by 32658  
electronic means, and return it, either by mail or electronic 32659  
means, or the owner may take it in person to any office of the 32660  
registrar or of a deputy registrar, together with a financial 32661  
transaction device number, when permitted by rule of the 32662  
registrar, check, or money order in the amount of the registration 32663  
taxes and fees payable on the motor vehicle and a mail fee of two 32664  
dollars and seventy-five cents commencing on July 1, 2001, three 32665  
dollars and twenty-five cents commencing on January 1, 2003, and 32666  
three dollars and fifty cents commencing on January 1, 2004, plus 32667

postage as indicated on the notice, if the registration is renewed 32668  
by mail, and an inspection certificate for the motor vehicle as 32669  
provided in section 3704.14 of the Revised Code. If the motor 32670  
vehicle owner chooses to renew the motor vehicle registration by 32671  
electronic means, the owner shall proceed in accordance with the 32672  
rules the registrar adopts. 32673

(D) If all registration and transfer fees for the motor 32674  
vehicle for the preceding year or the preceding period of the 32675  
current registration year have not been paid, if division (D) of 32676  
section 2935.27, division (A) of section 2937.221, division (A) of 32677  
section 4503.13, division (B) of section 4510.22, or division 32678  
(B)(1) of section 4521.10 of the Revised Code prohibits acceptance 32679  
of the renewal notice, or if the owner or lessee does not have an 32680  
inspection certificate for the motor vehicle as provided in 32681  
section 3704.14 of the Revised Code, if that section is 32682  
applicable, the license shall be refused, and the registrar or 32683  
deputy registrar shall so notify the owner. This section does not 32684  
require the payment of license or registration taxes on a motor 32685  
vehicle for any preceding year, or for any preceding period of a 32686  
year, if the motor vehicle was not taxable for that preceding year 32687  
or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 32688  
4503.16 or Chapter 4504. of the Revised Code. 32689

(E)(1) Failure to receive a renewal notice does not relieve a 32690  
motor vehicle owner from the responsibility to renew the 32691  
registration for the motor vehicle. Any person who has a motor 32692  
vehicle registered in this state and who does not receive a 32693  
renewal notice as provided in division (B) of this section prior 32694  
to the expiration date of the registration shall request an 32695  
application for registration from the registrar or a deputy 32696  
registrar and sign the application manually or by electronic means 32697  
and submit the application and pay any applicable license taxes 32698  
and fees to the registrar or deputy registrar. 32699

(2) If the owner of a motor vehicle submits an application 32700  
for registration and the registrar is prohibited by division (D) 32701  
of section 2935.27, division (A) of section 2937.221, division (A) 32702  
of section 4503.13, division (B) of section 4510.22, or division 32703  
(B)(1) of section 4521.10 of the Revised Code from accepting the 32704  
application, the registrar shall return the application and the 32705  
payment to the owner. If the owner of a motor vehicle submits a 32706  
registration renewal application to the registrar by electronic 32707  
means and the registrar is prohibited from accepting the 32708  
application as provided in this division, the registrar shall 32709  
notify the owner of this fact and deny the application and return 32710  
the payment or give a credit on the financial transaction device 32711  
account of the owner in the manner the registrar prescribes by 32712  
rule adopted pursuant to division (A) of this section. 32713

(F) Every deputy registrar shall post in a prominent place at 32714  
the deputy's office a notice informing the public of the mail 32715  
registration system required by this section and also shall post a 32716  
notice that every owner of a motor vehicle and every chauffeur 32717  
holding a certificate of registration is required to notify the 32718  
registrar in writing of any change of residence within ten days 32719  
after the change occurs. The notice shall be in such form as the 32720  
registrar prescribes by rule. 32721

(G) The two dollars and seventy-five cents fee collected from 32722  
July 1, 2001, through December 31, 2002, the three dollars and 32723  
twenty-five cents fee collected from January 1, 2003, through 32724  
December 31, 2003, and the three dollars and fifty cents fee 32725  
collected after January 1, 2004, plus postage and any financial 32726  
transaction device surcharge collected by the registrar for 32727  
registration by mail, shall be paid to the credit of the state 32728  
bureau of motor vehicles fund established by section 4501.25 of 32729  
the Revised Code. 32730

(H)(1) Pursuant to section 113.40 of the Revised Code, the 32731

registrar may implement a program permitting payment of motor 32732  
vehicle registration taxes and fees, driver's license and 32733  
commercial driver's license fees, and any other taxes, fees, 32734  
penalties, or charges imposed or levied by the state by means of a 32735  
financial transaction device. The registrar may adopt rules as 32736  
necessary for this purpose. 32737

(2) Not later than December 31, 2007, the registrar shall 32738  
adopt rules to implement a program permitting payment in person at 32739  
the office of a deputy registrar of all motor vehicle registration 32740  
taxes and fees, driver's licenses and commercial driver's license 32741  
fees, and any other taxes, fees, penalties, or charges imposed or 32742  
levied by the state by means of a financial transaction device. A 32743  
deputy registrar may choose, but in no case shall be required, to 32744  
participate in this program. 32745

(I) For persons who reside in counties where tailpipe 32746  
emissions inspections are required under the motor vehicle 32747  
inspection and maintenance program, the notice required by 32748  
division (B) of this section shall also include the toll-free 32749  
telephone number maintained by the Ohio environmental protection 32750  
agency to provide information concerning the locations of 32751  
emissions testing centers. 32752

**Sec. 4503.35.** (A) The motor vehicles furnished by the state 32753  
for use by the elective state officials, and motor vehicles owned 32754  
and operated by political subdivisions of the state, are exempt 32755  
from section 4503.23 of the Revised Code. 32756

(B) The ~~motor~~ following vehicles are exempt from section 32757  
4503.23 of the Revised Code: 32758

(1) Motor vehicles operated by troopers of the state highway 32759  
patrol, ~~and motor;~~ 32760

(2) Motor vehicles operated by or on behalf of any person 32761

whose responsibilities include involvement in authorized civil or 32762  
criminal investigations requiring that the presence and identity 32763  
of the vehicle occupants be undisclosed, ~~are exempt from section~~ 32764  
~~4503.23 of the Revised Code;~~ 32765

(3) Motor vehicles used to assist crime victims when a state 32766  
agency determines that the situation warrants it. 32767

**Sec. 4505.06.** (A)(1) Application for a certificate of title 32768  
shall be made in a form prescribed by the registrar of motor 32769  
vehicles and shall be sworn to before a notary public or other 32770  
officer empowered to administer oaths. The application shall be 32771  
filed with the clerk of any court of common pleas. An application 32772  
for a certificate of title may be filed electronically by any 32773  
electronic means approved by the registrar in any county with the 32774  
clerk of the court of common pleas of that county. Any payments 32775  
required by this chapter shall be considered as accompanying any 32776  
electronically transmitted application when payment actually is 32777  
received by the clerk. Payment of any fee or taxes may be made by 32778  
electronic transfer of funds. 32779

(2) The application for a certificate of title shall be 32780  
accompanied by the fee prescribed in section 4505.09 of the 32781  
Revised Code. The fee shall be retained by the clerk who issues 32782  
the certificate of title and shall be distributed in accordance 32783  
with that section. If a clerk of a court of common pleas, other 32784  
than the clerk of the court of common pleas of an applicant's 32785  
county of residence, issues a certificate of title to the 32786  
applicant, the clerk shall transmit data related to the 32787  
transaction to the automated title processing system. 32788

(3) If a certificate of title previously has been issued for 32789  
a motor vehicle in this state, the application for a certificate 32790  
of title also shall be accompanied by that certificate of title 32791  
duly assigned, unless otherwise provided in this chapter. If a 32792

certificate of title previously has not been issued for the motor 32793  
vehicle in this state, the application, unless otherwise provided 32794  
in this chapter, shall be accompanied by a manufacturer's or 32795  
importer's certificate or by a certificate of title of another 32796  
state from which the motor vehicle was brought into this state. If 32797  
the application refers to a motor vehicle last previously 32798  
registered in another state, the application also shall be 32799  
accompanied by the physical inspection certificate required by 32800  
section 4505.061 of the Revised Code. If the application is made 32801  
by two persons regarding a motor vehicle in which they wish to 32802  
establish joint ownership with right of survivorship, they may do 32803  
so as provided in section 2131.12 of the Revised Code. If the 32804  
applicant requests a designation of the motor vehicle in 32805  
beneficiary form so that upon the death of the owner of the motor 32806  
vehicle, ownership of the motor vehicle will pass to a designated 32807  
transfer-on-death beneficiary or beneficiaries, the applicant may 32808  
do so as provided in section 2131.13 of the Revised Code. A person 32809  
who establishes ownership of a motor vehicle that is transferable 32810  
on death in accordance with section 2131.13 of the Revised Code 32811  
may terminate that type of ownership or change the designation of 32812  
the transfer-on-death beneficiary or beneficiaries by applying for 32813  
a certificate of title pursuant to this section. The clerk shall 32814  
retain the evidence of title presented by the applicant and on 32815  
which the certificate of title is issued, except that, if an 32816  
application for a certificate of title is filed electronically by 32817  
an electronic motor vehicle dealer on behalf of the purchaser of a 32818  
motor vehicle, the clerk shall retain the completed electronic 32819  
record to which the dealer converted the certificate of title 32820  
application and other required documents. The registrar, after 32821  
consultation with the attorney general, shall adopt rules that 32822  
govern the location at which, and the manner in which, are stored 32823  
the actual application and all other documents relating to the 32824  
sale of a motor vehicle when an electronic motor vehicle dealer 32825

files the application for a certificate of title electronically on 32826  
behalf of the purchaser. 32827

The clerk shall use reasonable diligence in ascertaining 32828  
whether or not the facts in the application for a certificate of 32829  
title are true by checking the application and documents 32830  
accompanying it or the electronic record to which a dealer 32831  
converted the application and accompanying documents with the 32832  
records of motor vehicles in the clerk's office. If the clerk is 32833  
satisfied that the applicant is the owner of the motor vehicle and 32834  
that the application is in the proper form, the clerk, within five 32835  
business days after the application is filed and except as 32836  
provided in section 4505.021 of the Revised Code, shall issue a 32837  
physical certificate of title over the clerk's signature and 32838  
sealed with the clerk's seal, unless the applicant specifically 32839  
requests the clerk not to issue a physical certificate of title 32840  
and instead to issue an electronic certificate of title. For 32841  
purposes of the transfer of a certificate of title, if the clerk 32842  
is satisfied that the secured party has duly discharged a lien 32843  
notation but has not canceled the lien notation with a clerk, the 32844  
clerk may cancel the lien notation on the automated title 32845  
processing system and notify the clerk of the county of origin. 32846

(4) In the case of the sale of a motor vehicle to a general 32847  
buyer or user by a dealer, by a motor vehicle leasing dealer 32848  
selling the motor vehicle to the lessee or, in a case in which the 32849  
leasing dealer subleased the motor vehicle, the sublessee, at the 32850  
end of the lease agreement or sublease agreement, or by a 32851  
manufactured home broker, the certificate of title shall be 32852  
obtained in the name of the buyer by the dealer, leasing dealer, 32853  
or manufactured home broker, as the case may be, upon application 32854  
signed by the buyer. The certificate of title shall be issued, or 32855  
the process of entering the certificate of title application 32856  
information into the automated title processing system if a 32857



physical certificate of title is not to be issued shall be 32858  
completed, within five business days after the application for 32859  
title is filed with the clerk. If the buyer of the motor vehicle 32860  
previously leased the motor vehicle and is buying the motor 32861  
vehicle at the end of the lease pursuant to that lease, the 32862  
certificate of title shall be obtained in the name of the buyer by 32863  
the motor vehicle leasing dealer who previously leased the motor 32864  
vehicle to the buyer or by the motor vehicle leasing dealer who 32865  
subleased the motor vehicle to the buyer under a sublease 32866  
agreement. 32867

In all other cases, except as provided in section 4505.032 32868  
and division (D)(2) of section 4505.11 of the Revised Code, such 32869  
certificates shall be obtained by the buyer. 32870

(5)(a)(i) If the certificate of title is being obtained in 32871  
the name of the buyer by a motor vehicle dealer or motor vehicle 32872  
leasing dealer and there is a security interest to be noted on the 32873  
certificate of title, the dealer or leasing dealer shall submit 32874  
the application for the certificate of title and payment of the 32875  
applicable tax to a clerk within seven business days after the 32876  
later of the delivery of the motor vehicle to the buyer or the 32877  
date the dealer or leasing dealer obtains the manufacturer's or 32878  
importer's certificate, or certificate of title issued in the name 32879  
of the dealer or leasing dealer, for the motor vehicle. Submission 32880  
of the application for the certificate of title and payment of the 32881  
applicable tax within the required seven business days may be 32882  
indicated by postmark or receipt by a clerk within that period. 32883

(ii) Upon receipt of the certificate of title with the 32884  
security interest noted on its face, the dealer or leasing dealer 32885  
shall forward the certificate of title to the secured party at the 32886  
location noted in the financing documents or otherwise specified 32887  
by the secured party. 32888

(iii) A motor vehicle dealer or motor vehicle leasing dealer 32889

is liable to a secured party for a late fee of ten dollars per day 32890  
for each certificate of title application and payment of the 32891  
applicable tax that is submitted to a clerk more than seven 32892  
business days but less than twenty-one days after the later of the 32893  
delivery of the motor vehicle to the buyer or the date the dealer 32894  
or leasing dealer obtains the manufacturer's or importer's 32895  
certificate, or certificate of title issued in the name of the 32896  
dealer or leasing dealer, for the motor vehicle and, from then on, 32897  
twenty-five dollars per day until the application and applicable 32898  
tax are submitted to a clerk. 32899

(b) In all cases of transfer of a motor vehicle, the 32900  
application for certificate of title shall be filed within thirty 32901  
days after the assignment or delivery of the motor vehicle. If an 32902  
application for a certificate of title is not filed within the 32903  
period specified in division (A)(5)(b) of this section, the clerk 32904  
shall collect a fee of five dollars for the issuance of the 32905  
certificate, except that no such fee shall be required from a 32906  
motor vehicle salvage dealer, as defined in division (A) of 32907  
section 4738.01 of the Revised Code, who immediately surrenders 32908  
the certificate of title for cancellation. The fee shall be in 32909  
addition to all other fees established by this chapter, and shall 32910  
be retained by the clerk. The registrar shall provide, on the 32911  
certificate of title form prescribed by section 4505.07 of the 32912  
Revised Code, language necessary to give evidence of the date on 32913  
which the assignment or delivery of the motor vehicle was made. 32914

(6) As used in division (A) of this section, "lease 32915  
agreement," "lessee," and "sublease agreement" have the same 32916  
meanings as in section 4505.04 of the Revised Code. 32917

(B)(1) The clerk, except as provided in this section, shall 32918  
refuse to accept for filing any application for a certificate of 32919  
title and shall refuse to issue a certificate of title unless the 32920  
dealer or manufactured home broker or the applicant, in cases in 32921

which the certificate shall be obtained by the buyer, submits with 32922  
the application payment of the tax levied by or pursuant to 32923  
Chapters 5739. and 5741. of the Revised Code based on the 32924  
purchaser's county of residence. Upon payment of the tax in 32925  
accordance with division (E) of this section, the clerk shall 32926  
issue a receipt prescribed by the registrar and agreed upon by the 32927  
tax commissioner showing payment of the tax or a receipt issued by 32928  
the commissioner showing the payment of the tax. ~~When submitting 32929~~  
~~payment of the tax to the clerk, a dealer shall retain any 32930~~  
~~discount to which the dealer is entitled under section 5739.12 of 32931~~  
~~the Revised Code. 32932~~

(2) For receiving and disbursing such taxes paid to the clerk 32933  
by a resident of the clerk's county, the clerk may retain a 32934  
poundage fee of one and one one-hundredth per cent, and the clerk 32935  
shall pay the poundage fee into the certificate of title 32936  
administration fund created by section 325.33 of the Revised Code. 32937  
The clerk shall not retain a poundage fee from payments of taxes 32938  
by persons who do not reside in the clerk's county. 32939

A clerk, however, may retain from the taxes paid to the clerk 32940  
an amount equal to the poundage fees associated with certificates 32941  
of title issued by other clerks of courts of common pleas to 32942  
applicants who reside in the first clerk's county. The registrar, 32943  
in consultation with the tax commissioner and the clerks of the 32944  
courts of common pleas, shall develop a report from the automated 32945  
title processing system that informs each clerk of the amount of 32946  
the poundage fees that the clerk is permitted to retain from those 32947  
taxes because of certificates of title issued by the clerks of 32948  
other counties to applicants who reside in the first clerk's 32949  
county. 32950

(3) In the case of casual sales of motor vehicles, as defined 32951  
in section 4517.01 of the Revised Code, the price for the purpose 32952  
of determining the tax shall be the purchase price on the assigned 32953

certificate of title executed by the seller and filed with the 32954  
clerk by the buyer on a form to be prescribed by the registrar, 32955  
which shall be prima-facie evidence of the amount for the 32956  
determination of the tax. 32957

(4) Each county clerk shall forward to the treasurer of state 32958  
all sales and use tax collections resulting from sales of motor 32959  
vehicles, off-highway motorcycles, and all-purpose vehicles during 32960  
a calendar week on or before the Friday following the close of 32961  
that week. If, on any Friday, the offices of the clerk of courts 32962  
or the state are not open for business, the tax shall be forwarded 32963  
to the treasurer of state on or before the next day on which the 32964  
offices are open. Every remittance of tax under division (B)(4) of 32965  
this section shall be accompanied by a remittance report in such 32966  
form as the tax commissioner prescribes. Upon receipt of a tax 32967  
remittance and remittance report, the treasurer of state shall 32968  
date stamp the report and forward it to the tax commissioner. If 32969  
the tax due for any week is not remitted by a clerk of courts as 32970  
required under division (B)(4) of this section, the commissioner 32971  
may require the clerk to forfeit the poundage fees for the sales 32972  
made during that week. The treasurer of state may require the 32973  
clerks of courts to transmit tax collections and remittance 32974  
reports electronically. 32975

(C)(1) If the transferor indicates on the certificate of 32976  
title that the odometer reflects mileage in excess of the designed 32977  
mechanical limit of the odometer, the clerk shall enter the phrase 32978  
"exceeds mechanical limits" following the mileage designation. If 32979  
the transferor indicates on the certificate of title that the 32980  
odometer reading is not the actual mileage, the clerk shall enter 32981  
the phrase "nonactual: warning - odometer discrepancy" following 32982  
the mileage designation. The clerk shall use reasonable care in 32983  
transferring the information supplied by the transferor, but is 32984  
not liable for any errors or omissions of the clerk or those of 32985

the clerk's deputies in the performance of the clerk's duties 32986  
created by this chapter. 32987

The registrar shall prescribe an affidavit in which the 32988  
transferor shall swear to the true selling price and, except as 32989  
provided in this division, the true odometer reading of the motor 32990  
vehicle. The registrar may prescribe an affidavit in which the 32991  
seller and buyer provide information pertaining to the odometer 32992  
reading of the motor vehicle in addition to that required by this 32993  
section, as such information may be required by the United States 32994  
secretary of transportation by rule prescribed under authority of 32995  
subchapter IV of the "Motor Vehicle Information and Cost Savings 32996  
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 32997

(2) Division (C)(1) of this section does not require the 32998  
giving of information concerning the odometer and odometer reading 32999  
of a motor vehicle when ownership of a motor vehicle is being 33000  
transferred as a result of a bequest, under the laws of intestate 33001  
succession, to a survivor pursuant to section 2106.18, 2131.12, or 33002  
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 33003  
beneficiaries pursuant to section 2131.13 of the Revised Code, in 33004  
connection with the creation of a security interest or for a 33005  
vehicle with a gross vehicle weight rating of more than sixteen 33006  
thousand pounds. 33007

(D) When the transfer to the applicant was made in some other 33008  
state or in interstate commerce, the clerk, except as provided in 33009  
this section, shall refuse to issue any certificate of title 33010  
unless the tax imposed by or pursuant to Chapter 5741. of the 33011  
Revised Code based on the purchaser's county of residence has been 33012  
paid as evidenced by a receipt issued by the tax commissioner, or 33013  
unless the applicant submits with the application payment of the 33014  
tax. Upon payment of the tax in accordance with division (E) of 33015  
this section, the clerk shall issue a receipt prescribed by the 33016  
registrar and agreed upon by the tax commissioner, showing payment 33017

of the tax. 33018

For receiving and disbursing such taxes paid to the clerk by 33019  
a resident of the clerk's county, the clerk may retain a poundage 33020  
fee of one and one one-hundredth per cent. The clerk shall not 33021  
retain a poundage fee from payments of taxes by persons who do not 33022  
reside in the clerk's county. 33023

A clerk, however, may retain from the taxes paid to the clerk 33024  
an amount equal to the poundage fees associated with certificates 33025  
of title issued by other clerks of courts of common pleas to 33026  
applicants who reside in the first clerk's county. The registrar, 33027  
in consultation with the tax commissioner and the clerks of the 33028  
courts of common pleas, shall develop a report from the automated 33029  
title processing system that informs each clerk of the amount of 33030  
the poundage fees that the clerk is permitted to retain from those 33031  
taxes because of certificates of title issued by the clerks of 33032  
other counties to applicants who reside in the first clerk's 33033  
county. 33034

When the vendor is not regularly engaged in the business of 33035  
selling motor vehicles, the vendor shall not be required to 33036  
purchase a vendor's license or make reports concerning those 33037  
sales. 33038

(E) The clerk shall accept any payment of a tax in cash, or 33039  
by cashier's check, certified check, draft, money order, or teller 33040  
check issued by any insured financial institution payable to the 33041  
clerk and submitted with an application for a certificate of title 33042  
under division (B) or (D) of this section. The clerk also may 33043  
accept payment of the tax by corporate, business, or personal 33044  
check, credit card, electronic transfer or wire transfer, debit 33045  
card, or any other accepted form of payment made payable to the 33046  
clerk. The clerk may require bonds, guarantees, or letters of 33047  
credit to ensure the collection of corporate, business, or 33048  
personal checks. Any service fee charged by a third party to a 33049

clerk for the use of any form of payment may be paid by the clerk 33050  
from the certificate of title administration fund created in 33051  
section 325.33 of the Revised Code, or may be assessed by the 33052  
clerk upon the applicant as an additional fee. Upon collection, 33053  
the additional fees shall be paid by the clerk into that 33054  
certificate of title administration fund. 33055

The clerk shall make a good faith effort to collect any 33056  
payment of taxes due but not made because the payment was returned 33057  
or dishonored, but the clerk is not personally liable for the 33058  
payment of uncollected taxes or uncollected fees. The clerk shall 33059  
notify the tax commissioner of any such payment of taxes that is 33060  
due but not made and shall furnish the information to the 33061  
commissioner that the commissioner requires. The clerk shall 33062  
deduct the amount of taxes due but not paid from the clerk's 33063  
periodic remittance of tax payments, in accordance with procedures 33064  
agreed upon by the tax commissioner. The commissioner may collect 33065  
taxes due by assessment in the manner provided in section 5739.13 33066  
of the Revised Code. 33067

Any person who presents payment that is returned or 33068  
dishonored for any reason is liable to the clerk for payment of a 33069  
penalty over and above the amount of the taxes due. The clerk 33070  
shall determine the amount of the penalty, and the penalty shall 33071  
be no greater than that amount necessary to compensate the clerk 33072  
for banking charges, legal fees, or other expenses incurred by the 33073  
clerk in collecting the returned or dishonored payment. The 33074  
remedies and procedures provided in this section are in addition 33075  
to any other available civil or criminal remedies. Subsequently 33076  
collected penalties, poundage fees, and title fees, less any title 33077  
fee due the state, from returned or dishonored payments collected 33078  
by the clerk shall be paid into the certificate of title 33079  
administration fund. Subsequently collected taxes, less poundage 33080  
fees, shall be sent by the clerk to the treasurer of state at the 33081

next scheduled periodic remittance of tax payments, with 33082  
information as the commissioner may require. The clerk may abate 33083  
all or any part of any penalty assessed under this division. 33084

(F) In the following cases, the clerk shall accept for filing 33085  
an application and shall issue a certificate of title without 33086  
requiring payment or evidence of payment of the tax: 33087

(1) When the purchaser is this state or any of its political 33088  
subdivisions, a church, or an organization whose purchases are 33089  
exempted by section 5739.02 of the Revised Code; 33090

(2) When the transaction in this state is not a retail sale 33091  
as defined by section 5739.01 of the Revised Code; 33092

(3) When the purchase is outside this state or in interstate 33093  
commerce and the purpose of the purchaser is not to use, store, or 33094  
consume within the meaning of section 5741.01 of the Revised Code; 33095

(4) When the purchaser is the federal government; 33096

(5) When the motor vehicle was purchased outside this state 33097  
for use outside this state; 33098

(6) When the motor vehicle is purchased by a nonresident of 33099  
~~this state for immediate removal from this state, and will be~~ 33100  
~~permanently titled and registered in another state, as provided by~~ 33101  
~~division (B)(23) of section 5739.02~~ under the circumstances 33102  
described in division (B) of section 5739.029 of the Revised Code, 33103  
and upon presentation of a copy of the affidavit provided by that 33104  
section, and a copy of the exemption certificate provided by 33105  
section 5739.03 of the Revised Code. 33106

(G) An application, as prescribed by the registrar and agreed 33107  
to by the tax commissioner, shall be filled out and sworn to by 33108  
the buyer of a motor vehicle in a casual sale. The application 33109  
shall contain the following notice in bold lettering: "WARNING TO 33110  
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 33111



law to state the true selling price. A false statement is in 33112  
violation of section 2921.13 of the Revised Code and is punishable 33113  
by six months' imprisonment or a fine of up to one thousand 33114  
dollars, or both. All transfers are audited by the department of 33115  
taxation. The seller and buyer must provide any information 33116  
requested by the department of taxation. The buyer may be assessed 33117  
any additional tax found to be due." 33118

(H) For sales of manufactured homes or mobile homes occurring 33119  
on or after January 1, 2000, the clerk shall accept for filing, 33120  
pursuant to Chapter 5739. of the Revised Code, an application for 33121  
a certificate of title for a manufactured home or mobile home 33122  
without requiring payment of any tax pursuant to section 5739.02, 33123  
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 33124  
issued by the tax commissioner showing payment of the tax. For 33125  
sales of manufactured homes or mobile homes occurring on or after 33126  
January 1, 2000, the applicant shall pay to the clerk an 33127  
additional fee of five dollars for each certificate of title 33128  
issued by the clerk for a manufactured or mobile home pursuant to 33129  
division (H) of section 4505.11 of the Revised Code and for each 33130  
certificate of title issued upon transfer of ownership of the 33131  
home. The clerk shall credit the fee to the county certificate of 33132  
title administration fund, and the fee shall be used to pay the 33133  
expenses of archiving those certificates pursuant to division (A) 33134  
of section 4505.08 and division (H)(3) of section 4505.11 of the 33135  
Revised Code. The tax commissioner shall administer any tax on a 33136  
manufactured or mobile home pursuant to Chapters 5739. and 5741. 33137  
of the Revised Code. 33138

(I) Every clerk shall have the capability to transact by 33139  
electronic means all procedures and transactions relating to the 33140  
issuance of motor vehicle certificates of title that are described 33141  
in the Revised Code as being accomplished by electronic means. 33142

Sec. 4513.263. (A) As used in this section and in section 33143  
4513.99 of the Revised Code: 33144

(1) "Automobile" means any commercial tractor, passenger car, 33145  
commercial car, or truck that is required to be factory-equipped 33146  
with an occupant restraining device for the operator or any 33147  
passenger by regulations adopted by the United States secretary of 33148  
transportation pursuant to the "National Traffic and Motor Vehicle 33149  
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 33150

(2) "Occupant restraining device" means a seat safety belt, 33151  
shoulder belt, harness, or other safety device for restraining a 33152  
person who is an operator of or passenger in an automobile and 33153  
that satisfies the minimum federal vehicle safety standards 33154  
established by the United States department of transportation. 33155

(3) "Passenger" means any person in an automobile, other than 33156  
its operator, who is occupying a seating position for which an 33157  
occupant restraining device is provided. 33158

(4) "Commercial tractor," "passenger car," and "commercial 33159  
car" have the same meanings as in section 4501.01 of the Revised 33160  
Code. 33161

(5) "Vehicle" and "motor vehicle," as used in the definitions 33162  
of the terms set forth in division (A)(4) of this section, have 33163  
the same meanings as in section 4511.01 of the Revised Code. 33164

(6) "Tort action" means a civil action for damages for 33165  
injury, death, or loss to person or property. "Tort action" 33166  
includes a product liability claim, as defined in section 2307.71 33167  
of the Revised Code, and an asbestos claim, as defined in section 33168  
2307.91 of the Revised Code, but does not include a civil action 33169  
for damages for breach of contract or another agreement between 33170  
persons. 33171

(B) No person shall do any of the following: 33172

(1) Operate an automobile on any street or highway unless 33173  
that person is wearing all of the available elements of a properly 33174  
adjusted occupant restraining device, or operate a school bus that 33175  
has an occupant restraining device installed for use in its 33176  
operator's seat unless that person is wearing all of the available 33177  
elements of the device, as properly adjusted; 33178

(2) Operate an automobile on any street or highway unless 33179  
each passenger in the automobile who is subject to the requirement 33180  
set forth in division (B)(3) of this section is wearing all of the 33181  
available elements of a properly adjusted occupant restraining 33182  
device; 33183

(3) Occupy, as a passenger, a seating position on the front 33184  
seat of an automobile being operated on any street or highway 33185  
unless that person is wearing all of the available elements of a 33186  
properly adjusted occupant restraining device; 33187

(4) Operate a taxicab on any street or highway unless all 33188  
factory-equipped occupant restraining devices in the taxicab are 33189  
maintained in usable form. 33190

(C) Division (B)(3) of this section does not apply to a 33191  
person who is required by section 4511.81 of the Revised Code to 33192  
be secured in a child restraint device. Division (B)(1) of this 33193  
section does not apply to a person who is an employee of the 33194  
United States postal service or of a newspaper home delivery 33195  
service, during any period in which the person is engaged in the 33196  
operation of an automobile to deliver mail or newspapers to 33197  
addressees. Divisions (B)(1) and (3) of this section do not apply 33198  
to a person who has an affidavit signed by a physician licensed to 33199  
practice in this state under Chapter 4731. of the Revised Code or 33200  
a chiropractor licensed to practice in this state under Chapter 33201  
4734. of the Revised Code that states that the person has a 33202  
physical impairment that makes use of an occupant restraining 33203  
device impossible or impractical. 33204

(D) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (B) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(E) All fines collected for violations of division (B) of this section, or for violations of any ordinance or resolution of a political subdivision that is substantively comparable to that division, shall be forwarded to the treasurer of state for deposit as follows:

(1) Eight per cent shall be deposited into the seat belt education fund, which is hereby created in the state treasury, and shall be used by the department of public safety to establish a seat belt education program.

(2) Eight per cent shall be deposited into the elementary school program fund, which is hereby created in the state treasury, and shall be used by the department of public safety to establish and administer elementary school programs that encourage seat safety belt use.

(3) Two per cent shall be deposited into the ~~Ohio medical transportation trust~~ occupational licensing and regulatory fund created by section ~~4766.05~~ 4743.05 of the Revised Code.

(4) Twenty-eight per cent shall be deposited into the trauma and emergency medical services fund, which is hereby created in

the state treasury, and shall be used by the department of public 33236  
safety for the administration of the division of emergency medical 33237  
services and the state board of emergency medical services. 33238

(5) Fifty-four per cent shall be deposited into the trauma 33239  
and emergency medical services grants fund, which is hereby 33240  
created in the state treasury, and shall be used by the state 33241  
board of emergency medical services to make grants, in accordance 33242  
with section 4765.07 of the Revised Code and rules the board 33243  
adopts under section 4765.11 of the Revised Code. 33244

(F)(1) Subject to division (F)(2) of this section, the 33245  
failure of a person to wear all of the available elements of a 33246  
properly adjusted occupant restraining device in violation of 33247  
division (B)(1) or (3) of this section or the failure of a person 33248  
to ensure that each minor who is a passenger of an automobile 33249  
being operated by that person is wearing all of the available 33250  
elements of a properly adjusted occupant restraining device in 33251  
violation of division (B)(2) of this section shall not be 33252  
considered or used by the trier of fact in a tort action as 33253  
evidence of negligence or contributory negligence. But, the trier 33254  
of fact may determine based on evidence admitted consistent with 33255  
the Ohio ~~rules~~ Rules of ~~evidence~~ Evidence that the failure 33256  
contributed to the harm alleged in the tort action and may 33257  
diminish a recovery of compensatory damages that represents 33258  
noneconomic loss, as defined in section 2307.011 of the Revised 33259  
Code, in a tort action that could have been recovered but for the 33260  
plaintiff's failure to wear all of the available elements of a 33261  
properly adjusted occupant restraining device. Evidence of that 33262  
failure shall not be used as a basis for a criminal prosecution of 33263  
the person other than a prosecution for a violation of this 33264  
section; and shall not be admissible as evidence in a criminal 33265  
action involving the person other than a prosecution for a 33266  
violation of this section. 33267

(2) If, at the time of an accident involving a passenger car 33268  
equipped with occupant restraining devices, any occupant of the 33269  
passenger car who sustained injury or death was not wearing an 33270  
available occupant restraining device, was not wearing all of the 33271  
available elements of such a device, or was not wearing such a 33272  
device as properly adjusted, then, consistent with the Rules of 33273  
Evidence, the fact that the occupant was not wearing the available 33274  
occupant restraining device, was not wearing all of the available 33275  
elements of such a device, or was not wearing such a device as 33276  
properly adjusted is admissible in evidence in relation to any 33277  
claim for relief in a tort action to the extent that the claim for 33278  
relief satisfies all of the following: 33279

(a) It seeks to recover damages for injury or death to the 33280  
occupant. 33281

(b) The defendant in question is the manufacturer, designer, 33282  
distributor, or seller of the passenger car. 33283

(c) The claim for relief against the defendant in question is 33284  
that the injury or death sustained by the occupant was enhanced or 33285  
aggravated by some design defect in the passenger car or that the 33286  
passenger car was not crashworthy. 33287

(G)(1) Whoever violates division (B)(1) of this section shall 33288  
be fined thirty dollars. 33289

(2) Whoever violates division (B)(3) of this section shall be 33290  
fined twenty dollars. 33291

(3) Except as otherwise provided in this division, whoever 33292  
violates division (B)(4) of this section is guilty of a minor 33293  
misdemeanor. If the offender previously has been convicted of or 33294  
pleaded guilty to a violation of division (B)(4) of this section, 33295  
whoever violates division (B)(4) of this section is guilty of a 33296  
misdemeanor of the third degree. 33297

Sec. 4513.35. (A) All fines collected under sections 4511.01 33298  
to 4511.78, 4511.99, and 4513.01 to 4513.37 of the Revised Code 33299  
shall be paid into the county treasury and, with the exception of 33300  
that portion distributed under section 3375.53 of the Revised 33301  
Code, shall be placed to the credit of the fund for the 33302  
maintenance and repair of the highways within that county, except 33303  
that: 33304

(1) All fines for violations of division (B) of section 33305  
4513.263 shall be delivered to the treasurer of state as provided 33306  
in division (E) of section 4513.263 of the Revised Code. 33307

(2) All fines collected from, or moneys arising from bonds 33308  
forfeited by, persons apprehended or arrested by state highway 33309  
patrolmen shall be distributed as provided in section 5503.04 of 33310  
the Revised Code. 33311

(3)(a) Subject to division (E) of section 4513.263 of the 33312  
Revised Code and except as otherwise provided in division 33313  
(A)(3)(b) of this section, one-half of all fines collected from, 33314  
and one-half of all moneys arising from bonds forfeited by, 33315  
persons apprehended or arrested by a township constable or other 33316  
township police officer shall be paid to the township treasury to 33317  
be placed to the credit of the general fund. 33318

(b) All fines collected from, and all moneys arising from 33319  
bonds forfeited by, persons apprehended or arrested by a township 33320  
constable or other township police officer pursuant to division 33321  
(B)(2) of section 4513.39 of the Revised Code for a violation of 33322  
section 4511.21 of the Revised Code or any other law, ordinance, 33323  
or regulation pertaining to speed that occurred on a highway 33324  
included as part of the interstate system, as defined in section 33325  
5516.01 of the Revised Code, shall be paid into the county 33326  
treasury and be credited as provided in the first paragraph of 33327  
this section. 33328

(B) Notwithstanding any other provision of this section or of any other section of the Revised Code: 33329  
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(1) All fines collected from, and all moneys arising from bonds forfeited by, persons arrested under division (E)(1) or (2) of section 2935.03 of the Revised Code are deemed to be collected, and to arise, from arrests made within the jurisdiction in which the arresting officer is appointed, elected, or employed, for violations of one of the sections or chapters of the Revised Code listed in division (E)(1) of that section and shall be distributed accordingly. 33331  
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(2) All fines collected from, and all moneys arising from bonds forfeited by, persons arrested under division (E)(3) of section 2935.03 of the Revised Code are deemed to be collected, and to arise, from arrests made within the jurisdiction in which the arresting officer is appointed, elected, or employed, for violations of municipal ordinances that are substantially equivalent to one of the sections or one of the provisions of one of the chapters of the Revised Code listed in division (E)(1) of that section and for violations of one of the sections or one of the provisions of one of the chapters of the Revised Code listed in division (E)(1) of that section, and shall be distributed accordingly. 33339  
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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. 33351  
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If an application for a certificate of title is filed 33360  
electronically by an electronic dealer on behalf of the purchaser 33361  
of an off-highway motorcycle or all-purpose vehicle, the clerk 33362  
shall retain the completed electronic record to which the dealer 33363  
converted the certificate of title application and other required 33364  
documents. The registrar, after consultation with the attorney 33365  
general, shall adopt rules that govern the location at which, and 33366  
the manner in which, are stored the actual application and all 33367  
other documents relating to the sale of an off-highway motorcycle 33368  
or all-purpose vehicle when an electronic dealer files the 33369  
application for a certificate of title electronically on behalf of 33370  
the purchaser. 33371

The application shall be accompanied by the fee prescribed in 33372  
section 4519.59 of the Revised Code. The fee shall be retained by 33373  
the clerk who issues the certificate of title and shall be 33374  
distributed in accordance with that section. If a clerk of a court 33375  
of common pleas, other than the clerk of the court of common pleas 33376  
of an applicant's county of residence, issues a certificate of 33377  
title to the applicant, the clerk shall transmit data related to 33378  
the transaction to the automated title processing system. 33379

If a certificate of title previously has been issued for an 33380  
off-highway motorcycle or all-purpose vehicle, the application 33381  
also shall be accompanied by the certificate of title duly 33382  
assigned, unless otherwise provided in this chapter. If a 33383  
certificate of title previously has not been issued for the 33384  
off-highway motorcycle or all-purpose vehicle, the application, 33385  
unless otherwise provided in this chapter, shall be accompanied by 33386  
a manufacturer's or importer's certificate; by a sworn statement 33387  
of ownership; or by a certificate of title, bill of sale, or other 33388  
evidence of ownership required by law of another state from which 33389  
the off-highway motorcycle or all-purpose vehicle was brought into 33390  
this state. The registrar, in accordance with Chapter 119. of the 33391

Revised Code, shall prescribe the types of additional 33392  
documentation sufficient to establish proof of ownership, 33393  
including, but not limited to, receipts from the purchase of parts 33394  
or components, photographs, and affidavits of other persons. 33395

For purposes of the transfer of a certificate of title, if 33396  
the clerk is satisfied that a secured party has duly discharged a 33397  
lien notation but has not canceled the lien notation with a clerk, 33398  
the clerk may cancel the lien notation on the automated title 33399  
processing system and notify the clerk of the county of origin. 33400

In the case of the sale of an off-highway motorcycle or 33401  
all-purpose vehicle by a dealer to a general purchaser or user, 33402  
the certificate of title shall be obtained in the name of the 33403  
purchaser by the dealer upon application signed by the purchaser. 33404  
In all other cases, the certificate shall be obtained by the 33405  
purchaser. In all cases of transfer of an off-highway motorcycle 33406  
or all-purpose vehicle, the application for certificate of title 33407  
shall be filed within thirty days after the later of the date of 33408  
purchase or assignment of ownership of the off-highway motorcycle 33409  
or all-purpose vehicle. If the application for certificate of 33410  
title is not filed within thirty days after the later of the date 33411  
of purchase or assignment of ownership of the off-highway 33412  
motorcycle or all-purpose vehicle, the clerk shall charge a late 33413  
filing fee of five dollars in addition to the fee prescribed by 33414  
section 4519.59 of the Revised Code. The clerk shall retain the 33415  
entire amount of each late filing fee. 33416

Except in the case of an off-highway motorcycle or 33417  
all-purpose vehicle purchased prior to July 1, 1999, the clerk 33418  
shall refuse to accept an application for certificate of title 33419  
unless the applicant either tenders with the application payment 33420  
of all taxes levied by or pursuant to Chapter 5739. or 5741. of 33421  
the Revised Code based on the purchaser's county of residence, or 33422  
submits either of the following: 33423

(A) A receipt issued by the tax commissioner or a clerk of courts showing payment of the tax; 33424  
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(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. 33426  
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Payment of the tax shall be made in accordance with division (E) of section 4505.06 of the Revised Code and any rules issued by the tax commissioner. ~~When a dealer submits payment of the tax to the clerk, the dealer shall retain any discount to which the dealer is entitled under section 5739.12 of the Revised Code.~~ 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 a certificate of title. If the application for a certificate of title is for an off-highway motorcycle or all-purpose vehicle purchased prior to July 1, 1999, the clerk shall accept the application without payment of the taxes levied by or pursuant to Chapter 5739. or 5741. of the Revised Code or presentation of either of the items listed in division (A) or (B) of this section. 33429  
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For receiving and disbursing such taxes paid to the clerk by a resident of the clerk's county, the clerk may retain a poundage fee of one and one-hundredth per cent of the taxes collected, which shall be paid into the certificate of title administration fund created by section 325.33 of the Revised Code. The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county. 33443  
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A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common pleas to applicants who reside in the first clerk's county. The registrar, in consultation with the tax commissioner and the clerks of the courts of common pleas, shall develop a report from the automated 33450  
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title processing system that informs each clerk of the amount of 33456  
the poundage fees that the clerk is permitted to retain from those 33457  
taxes because of certificates of title issued by the clerks of 33458  
other counties to applicants who reside in the first clerk's 33459  
county. 33460

In the case of casual sales of off-highway motorcycles or 33461  
all-purpose vehicles that are subject to the tax imposed by 33462  
Chapter 5739. or 5741. of the Revised Code, the purchase price for 33463  
the purpose of determining the tax shall be the purchase price on 33464  
an affidavit executed and filed with the clerk by the seller on a 33465  
form to be prescribed by the registrar, which shall be prima-facie 33466  
evidence of the price for the determination of the tax. 33467

In addition to the information required by section 4519.57 of 33468  
the Revised Code, each certificate of title shall contain in bold 33469  
lettering the following notification and statements: "WARNING TO 33470  
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 33471  
law to state the true selling price. A false statement is in 33472  
violation of section 2921.13 of the Revised Code and is punishable 33473  
by six months imprisonment or a fine of up to one thousand 33474  
dollars, or both. All transfers are audited by the department of 33475  
taxation. The seller and buyer must provide any information 33476  
requested by the department of taxation. The buyer may be assessed 33477  
any additional tax found to be due." 33478

The clerk shall forward all payments of taxes, less poundage 33479  
fees, to the treasurer of state in a manner to be prescribed by 33480  
the tax commissioner and shall furnish information to the 33481  
commissioner as the commissioner may require. 33482

Every clerk shall have the capability to transact by 33483  
electronic means all procedures and transactions relating to the 33484  
issuance of certificates of title for off-highway motorcycles and 33485  
all-purpose vehicles that are described in the Revised Code as 33486  
being accomplished by electronic means. 33487

<u>Sec. 4766.22. (A) Not later than forty-five days after the</u>	33488
<u>end of each fiscal year, the Ohio medical transportation board</u>	33489
<u>shall submit a report to the governor and general assembly that</u>	33490
<u>provides all of the following information for that fiscal year:</u>	33491
<u>(1) The number of each of the following the board issued:</u>	33492
<u>(a) Basic life-support organization licenses;</u>	33493
<u>(b) Intermediate life-support organization licenses;</u>	33494
<u>(c) Advanced life-support organization licenses;</u>	33495
<u>(d) Mobile intensive care unit organization licenses;</u>	33496
<u>(e) Ambulette service licenses;</u>	33497
<u>(f) Air medical service organization licenses;</u>	33498
<u>(g) Ambulance permits;</u>	33499
<u>(h) Nontransport vehicle permits;</u>	33500
<u>(i) Ambulette vehicle permits;</u>	33501
<u>(j) Rotorcraft air ambulance permits;</u>	33502
<u>(k) Fixed wing air ambulance permits.</u>	33503
<u>(2) The amount of fees the board collected for issuing and</u>	33504
<u>renewing each type of license and permit specified in division</u>	33505
<u>(A)(1) of this section;</u>	33506
<u>(3) The number of inspections the board or a third party on</u>	33507
<u>the board's behalf conducted in connection with each type of</u>	33508
<u>license and permit specified in division (A)(1) of this section</u>	33509
<u>and the amount of fees the board collected for the inspections;</u>	33510
<u>(4) The number of complaints that were submitted to the</u>	33511
<u>board;</u>	33512
<u>(5) The number of investigations the board conducted under</u>	33513
<u>section 4766.11 of the Revised Code;</u>	33514

<u>(6) The number of adjudication hearings the board held and</u>	33515
<u>the outcomes of the adjudications;</u>	33516
<u>(7) The amount of penalties the board imposed and collected</u>	33517
<u>under section 4766.08 of the Revised Code;</u>	33518
<u>(8) Other information the board determines reflects the</u>	33519
<u>board's operations.</u>	33520
<u>(B) The board shall post the annual report required by this</u>	33521
<u>section on its web site and make it available to the public on</u>	33522
<u>request.</u>	33523
<b>Sec. 4717.07.</b> (A) The board of embalmers and funeral	33524
directors shall charge and collect the following fees:	33525
(1) For the initial issuance or biennial renewal of an	33526
embalmer's or funeral director's license, one hundred forty	33527
dollars;	33528
(2) For the issuance of an embalmer or funeral director	33529
registration, twenty-five dollars;	33530
(3) For filing an embalmer or funeral director certificate of	33531
apprenticeship, ten dollars;	33532
(4) For the application to take the examination for a license	33533
to practice as an embalmer or funeral director, or to retake a	33534
section of the examination, thirty-five dollars;	33535
(5) For the initial issuance of a license to operate a	33536
funeral home, two hundred fifty dollars and biennial renewal of a	33537
license to operate a funeral home, two hundred fifty dollars;	33538
(6) For the reinstatement of a lapsed embalmer's or funeral	33539
director's license, the renewal fee prescribed in division	33540
(A) <del>(5)</del> (1) of this section plus fifty dollars for each month or	33541
portion of a month the license is lapsed until reinstatement;	33542
(7) For the reinstatement of a lapsed license to operate a	33543

funeral home, the renewal fee prescribed in division (A)~~(6)~~(5) of 33544  
this section plus fifty dollars for each month or portion of a 33545  
month the license is lapsed until reinstatement; 33546

(8) For the initial issuance of a license to operate an 33547  
embalming facility, two hundred dollars and biennial renewal of a 33548  
license to operate an embalming facility, two hundred dollars; 33549

(9) For the reinstatement of a lapsed license to operate an 33550  
embalming facility, the renewal fee prescribed in division 33551  
(A)~~(9)~~(8) of this section plus fifty dollars for each month or 33552  
portion of a month the license is lapsed until reinstatement; 33553

(10) For the initial issuance of a license to operate a 33554  
crematory facility, two hundred dollars and biennial renewal of a 33555  
license to operate a crematory facility, two hundred dollars; 33556

(11) For the reinstatement of a lapsed license to operate a 33557  
crematory facility, the renewal fee prescribed in division 33558  
(A)~~(11)~~(10) of this section plus fifty dollars for each month or 33559  
portion of a month the license is lapsed until reinstatement; 33560

(12) For the issuance of a duplicate of a license issued 33561  
under this chapter, four dollars. 33562

(B) In addition to the fees set forth in division (A) of this 33563  
section, an applicant shall pay the examination fee assessed by 33564  
any examining agency the board uses for any section of an 33565  
examination required under this chapter. 33566

(C) Subject to the approval of the controlling board, the 33567  
board of embalmers and funeral directors may establish fees in 33568  
excess of the amounts set forth in this section, provided that 33569  
these fees do not exceed the amounts set forth in this section by 33570  
more than fifty per cent. 33571

**Sec. 4723.621.** The medication aide advisory council created 33572  
under section 4723.62 of the Revised Code shall make 33573

recommendations to the board of nursing with respect to all of the 33574  
following: 33575

(A) The design and operation of the medication aide pilot 33576  
program conducted under section 4723.63 of the Revised Code, 33577  
including a method of collecting data through reports submitted by 33578  
participating nursing homes and residential care facilities; 33579

(B) The content of the course of instruction required to 33580  
obtain certification as a medication aide, including the 33581  
examination to be used to evaluate the ability to administer 33582  
prescription medications safely and the score that must be 33583  
attained to pass the examination; 33584

(C) Whether medication aides may administer prescription 33585  
medications through a gastrostomy or jejunostomy tube and the 33586  
amount and type of training a medication aide needs to be 33587  
adequately prepared to administer prescription medications through 33588  
a gastrostomy or jejunostomy tube; 33589

(D) Protection of the health and welfare of the residents of 33590  
nursing homes and residential care facilities participating in the 33591  
pilot program and using medication aides pursuant to section 33592  
4723.64 of the Revised Code ~~on or after July 1, 2007;~~ 33593

(E) The board's adoption of rules under section 4723.69 of 33594  
the Revised Code; 33595

(F) Any other issue the council considers relevant to the use 33596  
of medication aides in nursing homes and residential care 33597  
facilities. 33598

**Sec. 4723.63.** (A) In consultation with the medication aide 33599  
advisory council established under section 4723.62 of the Revised 33600  
Code, the board of nursing shall conduct a pilot program for the 33601  
use of medication aides in nursing homes and residential care 33602  
facilities. The board shall conduct the pilot program in a manner 33603



consistent with human protection and other ethical concerns 33604  
typically associated with research studies involving live 33605  
subjects. The pilot program shall be commenced not later than May 33606  
1, 2006, and shall ~~be conducted until July 1, 2007~~ end on the 33607  
thirty-first day after the report required by division (F)(2) of 33608  
this section is submitted in accordance with that division. 33609

During the period the pilot program is conducted, a nursing 33610  
home or residential care facility participating in the pilot 33611  
program may use one or more medication aides to administer 33612  
prescription medications to its residents, subject to ~~both~~ all of 33613  
the following conditions: 33614

(1) Each individual used as a medication aide must hold a 33615  
current, valid medication aide certificate issued by the board of 33616  
nursing under this chapter. 33617

(2) The nursing home or residential care facility shall 33618  
ensure that the requirements of section 4723.67 of the Revised 33619  
Code are met. 33620

(3) The nursing home or residential care facility shall 33621  
submit to the board, not later than the thirty-first day after the 33622  
day the board makes its request under division (F)(1)(a) of this 33623  
section, the data required by division (F)(1)(a) of this section. 33624

(B) The board, in consultation with the medication aide 33625  
advisory council, shall do all of the following not later than 33626  
February 1, 2006: 33627

(1) Design the pilot program; 33628

(2) Establish standards to govern medication aides and the 33629  
nursing homes and residential care facilities participating in the 33630  
pilot program, including standards for the training of medication 33631  
aides and the staff of participating nursing homes and residential 33632  
care facilities; 33633

(3) Establish standards to protect the health and safety of 33634  
the residents of the nursing homes and residential care facilities 33635  
participating in the program; 33636

(4) Implement a process for selecting the nursing homes and 33637  
residential care facilities to participate in the program. 33638

(C)(1) A nursing home or residential care facility may 33639  
volunteer to participate in the pilot program by submitting an 33640  
application to the board on a form prescribed and provided by the 33641  
board. From among the applicants, the board shall select eighty 33642  
nursing homes and forty residential care facilities to participate 33643  
in the pilot program. When the board denies an application, it 33644  
shall notify, in writing, the president and minority leader of the 33645  
senate and the speaker and minority leader of the house of 33646  
representatives of the denial and the reasons for the denial. 33647

(2) To be eligible to participate, a nursing home or 33648  
residential care facility shall agree to observe the standards 33649  
established by the board for the use of medication aides. A 33650  
nursing home is eligible to participate only if the department of 33651  
health has found in the ~~two~~ most recent ~~surveys~~ survey or 33652  
~~inspections~~ inspection of the home that the home is free from 33653  
deficiencies related to the administration of medication. A 33654  
residential care facility is eligible to participate only if the 33655  
department has found that the facility is free from deficiencies 33656  
related to the provision of skilled nursing care or the 33657  
administration of medication. 33658

(D) As a condition of participation in the pilot program, a 33659  
nursing home and residential care facility selected by the board 33660  
shall pay the participation fee established in rules adopted under 33661  
section 4723.69 of the Revised Code. The participation fee is not 33662  
reimbursable under the medicaid program established under Chapter 33663  
5111. of the Revised Code. 33664

(E) On receipt of evidence found credible by the board that continued participation by a nursing home or residential care facility poses an imminent danger, risk of serious harm, or jeopardy to a resident of the home or facility, the board may terminate the authority of the home or facility to participate in the pilot program.

(F)(1) With the assistance of the medication aide advisory council, the board shall conduct an evaluation of the pilot program. In conducting the evaluation, the board shall do all of the following:

(a) Request from each nursing home and residential care facility participating in the pilot program, on the ninety-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 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.

(b) Assess whether medication aides are able to administer prescription medications safely to nursing home and residential care facility residents;

~~(b)~~(c) Determine the financial implications of using medication aides in nursing homes and residential care facilities;

~~(e)~~(d) Consider any other issue the board or council considers relevant to the evaluation.

(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. The board shall submit the report to the governor, president and minority leader of the senate, speaker and minority leader of the

house of representatives, and director of health. 33696

(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. 33697  
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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: 33702  
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(A) Each individual used as a medication aide must hold a current, valid medication aide certificate issued by the board of nursing under this chapter. 33708  
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(B) The nursing home or residential care facility shall ensure that the requirements of section 4723.67 of the Revised Code are met. 33711  
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**Sec. 4723.65.** (A) An individual seeking certification as a medication aide shall apply to the board of nursing on a form prescribed and provided by the board. If the application is submitted on or after ~~July 1, 2007~~ the day any nursing home or residential care facility may initially use medication aides as specified in section 4723.64 of the Revised Code, the application shall be accompanied by the certification fee established in rules adopted under section 4723.69 of the Revised Code. 33714  
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(B)(1) Except as provided in division (B)(2) of this section, an applicant for a medication aide certificate shall submit a request to the bureau of criminal identification and investigation for a criminal records check. The request shall be on the form 33722  
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prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and shall be accompanied by a standard impression sheet to obtain fingerprints prescribed pursuant to division (C)(2) of that section. The request shall also be accompanied by the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code. On receipt of the completed form, the completed impression sheet, and the fee, the bureau shall conduct a criminal records check of the applicant. On completion of the criminal records check, the bureau shall send the results of the check to the board. An applicant requesting a criminal records check under this division who has not lived in this state for at least five years shall ask the superintendent of the bureau of criminal identification and investigation to also request that the federal bureau of investigation provide the superintendent with any information it has with respect to the applicant.

(2) If a criminal records check of an applicant was completed pursuant to section 3721.121 of the Revised Code not more than five years prior to the date the application is submitted, the applicant may include a certified copy of the criminal records check completed pursuant to that section and is not required to comply with division (B)(1) of this section.

(3) A criminal records check provided to the board in accordance with division (B)(1) or (B)(2) of this section shall not be made available to any person or for any purpose other than the following:

(a) The results may be made available to any person for use in determining whether the individual who is the subject of the check should be issued a medication aide certificate.

(b) The results may be made available to the person who is the subject of the check or a representative of that person.

**Sec. 4723.66.** (A) A person or government entity seeking

approval to provide a medication aide training program shall apply 33757  
to the board of nursing on a form prescribed and provided by the 33758  
board. If the application is submitted on or after ~~July 1, 2007~~ 33759  
the day any nursing home or residential care facility may 33760  
initially use medication aides as specified in section 4723.64 of 33761  
the Revised Code, the application shall be accompanied by the fee 33762  
established in rules adopted under section 4723.69 of the Revised 33763  
Code. 33764

(B) The board shall approve the applicant to provide a 33765  
medication aide training program if the content of the course of 33766  
instruction to be provided by the program meets the standards 33767  
specified by the board in rules adopted under section 4723.69 of 33768  
the Revised Code and includes all of the following: 33769

(1) At least seventy clock-hours of instruction, including 33770  
both classroom instruction on medication administration and at 33771  
least twenty clock-hours of supervised clinical practice in 33772  
medication administration; 33773

(2) A mechanism for evaluating whether an individual's 33774  
reading, writing, and mathematical skills are sufficient for the 33775  
individual to be able to administer prescription medications 33776  
safely; 33777

(3) An examination that tests the ability to administer 33778  
prescription medications safely and that meets the requirements 33779  
established by the board in rules adopted under section 4723.69 of 33780  
the Revised Code. 33781

(C) The board may deny, suspend, or revoke the approval 33782  
granted to the provider of a medication aide training program for 33783  
reasons specified in rules adopted under section 4723.69 of the 33784  
Revised Code. All actions taken by the board to deny, suspend, or 33785  
revoke the approval of a training program shall be taken in 33786  
accordance with Chapter 119. of the Revised Code. 33787

**Sec. 4731.142.** (A) Except as provided in division (B) of this section, an individual must demonstrate proficiency in spoken English, by passing an examination specified by the state medical board, to receive a certificate to practice issued under section 4731.14 of the Revised Code if the individual's eligibility for the certificate is based in part on certification from the educational commission for foreign medical graduates and fulfillment of the undergraduate requirements established by section 4731.09 of the Revised Code at an institution outside the United States. ~~The individual may demonstrate such proficiency by obtaining a score of forty or higher on the test of spoken English conducted by the educational testing service~~ The board shall adopt rules specifying an acceptable examination and establishing the minimum score that demonstrates proficiency in spoken English.

(B) An individual is not required to demonstrate proficiency in spoken English in accordance with division (A) of this section if the individual was required to demonstrate such proficiency as a condition of certification from the educational commission for foreign medical graduates.

**Sec. 4731.22.** (A) The state medical board, by an affirmative vote of not fewer than six of its members, may revoke or may refuse to grant a certificate to a person found by the board to have committed fraud during the administration of the examination for a certificate to practice or to have committed fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice, refuse to register an individual, refuse to reinstate a certificate, or

reprimand or place on probation the holder of a certificate for 33819  
one or more of the following reasons: 33820

(1) Permitting one's name or one's certificate to practice or 33821  
certificate of registration to be used by a person, group, or 33822  
corporation when the individual concerned is not actually 33823  
directing the treatment given; 33824

(2) Failure to maintain minimal standards applicable to the 33825  
selection or administration of drugs, or failure to employ 33826  
acceptable scientific methods in the selection of drugs or other 33827  
modalities for treatment of disease; 33828

(3) Selling, giving away, personally furnishing, prescribing, 33829  
or administering drugs for other than legal and legitimate 33830  
therapeutic purposes or a plea of guilty to, a judicial finding of 33831  
guilt of, or a judicial finding of eligibility for intervention in 33832  
lieu of conviction of, a violation of any federal or state law 33833  
regulating the possession, distribution, or use of any drug; 33834

(4) Willfully betraying a professional confidence. 33835

For purposes of this division, "willfully betraying a 33836  
professional confidence" does not include providing any 33837  
information, documents, or reports to a child fatality review 33838  
board under sections 307.621 to 307.629 of the Revised Code and 33839  
does not include the making of a report of an employee's use of a 33840  
drug of abuse, or a report of a condition of an employee other 33841  
than one involving the use of a drug of abuse, to the employer of 33842  
the employee as described in division (B) of section 2305.33 of 33843  
the Revised Code. Nothing in this division affects the immunity 33844  
from civil liability conferred by that section upon a physician 33845  
who makes either type of report in accordance with division (B) of 33846  
that section. As used in this division, "employee," "employer," 33847  
and "physician" have the same meanings as in section 2305.33 of 33848  
the Revised Code. 33849



(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was

committed;	33881
(11) A plea of guilty to, a judicial finding of guilt of, or	33882
a judicial finding of eligibility for intervention in lieu of	33883
conviction for, a misdemeanor committed in the course of practice;	33884
(12) Commission of an act in the course of practice that	33885
constitutes a misdemeanor in this state, regardless of the	33886
jurisdiction in which the act was committed;	33887
(13) A plea of guilty to, a judicial finding of guilt of, or	33888
a judicial finding of eligibility for intervention in lieu of	33889
conviction for, a misdemeanor involving moral turpitude;	33890
(14) Commission of an act involving moral turpitude that	33891
constitutes a misdemeanor in this state, regardless of the	33892
jurisdiction in which the act was committed;	33893
(15) Violation of the conditions of limitation placed by the	33894
board upon a certificate to practice;	33895
(16) Failure to pay license renewal fees specified in this	33896
chapter;	33897
(17) Except as authorized in section 4731.31 of the Revised	33898
Code, engaging in the division of fees for referral of patients,	33899
or the receiving of a thing of value in return for a specific	33900
referral of a patient to utilize a particular service or business;	33901
(18) Subject to section 4731.226 of the Revised Code,	33902
violation of any provision of a code of ethics of the American	33903
medical association, the American osteopathic association, the	33904
American podiatric medical association, or any other national	33905
professional organizations that the board specifies by rule. The	33906
state medical board shall obtain and keep on file current copies	33907
of the codes of ethics of the various national professional	33908
organizations. The individual whose certificate is being suspended	33909
or revoked shall not be found to have violated any provision of a	33910

code of ethics of an organization not appropriate to the 33911  
individual's profession. 33912

For purposes of this division, a "provision of a code of 33913  
ethics of a national professional organization" does not include 33914  
any provision that would preclude the making of a report by a 33915  
physician of an employee's use of a drug of abuse, or of a 33916  
condition of an employee other than one involving the use of a 33917  
drug of abuse, to the employer of the employee as described in 33918  
division (B) of section 2305.33 of the Revised Code. Nothing in 33919  
this division affects the immunity from civil liability conferred 33920  
by that section upon a physician who makes either type of report 33921  
in accordance with division (B) of that section. As used in this 33922  
division, "employee," "employer," and "physician" have the same 33923  
meanings as in section 2305.33 of the Revised Code. 33924

(19) Inability to practice according to acceptable and 33925  
prevailing standards of care by reason of mental illness or 33926  
physical illness, including, but not limited to, physical 33927  
deterioration that adversely affects cognitive, motor, or 33928  
perceptive skills. 33929

In enforcing this division, the board, upon a showing of a 33930  
possible violation, may compel any individual authorized to 33931  
practice by this chapter or who has submitted an application 33932  
pursuant to this chapter to submit to a mental examination, 33933  
physical examination, including an HIV test, or both a mental and 33934  
a physical examination. The expense of the examination is the 33935  
responsibility of the individual compelled to be examined. Failure 33936  
to submit to a mental or physical examination or consent to an HIV 33937  
test ordered by the board constitutes an admission of the 33938  
allegations against the individual unless the failure is due to 33939  
circumstances beyond the individual's control, and a default and 33940  
final order may be entered without the taking of testimony or 33941  
presentation of evidence. If the board finds an individual unable 33942

to practice because of the reasons set forth in this division, the 33943  
board shall require the individual to submit to care, counseling, 33944  
or treatment by physicians approved or designated by the board, as 33945  
a condition for initial, continued, reinstated, or renewed 33946  
authority to practice. An individual affected under this division 33947  
shall be afforded an opportunity to demonstrate to the board the 33948  
ability to resume practice in compliance with acceptable and 33949  
prevailing standards under the provisions of the individual's 33950  
certificate. For the purpose of this division, any individual who 33951  
applies for or receives a certificate to practice under this 33952  
chapter accepts the privilege of practicing in this state and, by 33953  
so doing, shall be deemed to have given consent to submit to a 33954  
mental or physical examination when directed to do so in writing 33955  
by the board, and to have waived all objections to the 33956  
admissibility of testimony or examination reports that constitute 33957  
a privileged communication. 33958

(20) Except when civil penalties are imposed under section 33959  
4731.225 or 4731.281 of the Revised Code, and subject to section 33960  
4731.226 of the Revised Code, violating or attempting to violate, 33961  
directly or indirectly, or assisting in or abetting the violation 33962  
of, or conspiring to violate, any provisions of this chapter or 33963  
any rule promulgated by the board. 33964

This division does not apply to a violation or attempted 33965  
violation of, assisting in or abetting the violation of, or a 33966  
conspiracy to violate, any provision of this chapter or any rule 33967  
adopted by the board that would preclude the making of a report by 33968  
a physician of an employee's use of a drug of abuse, or of a 33969  
condition of an employee other than one involving the use of a 33970  
drug of abuse, to the employer of the employee as described in 33971  
division (B) of section 2305.33 of the Revised Code. Nothing in 33972  
this division affects the immunity from civil liability conferred 33973  
by that section upon a physician who makes either type of report 33974

in accordance with division (B) of that section. As used in this 33975  
division, "employee," "employer," and "physician" have the same 33976  
meanings as in section 2305.33 of the Revised Code. 33977

(21) The violation of section 3701.79 of the Revised Code or 33978  
of any abortion rule adopted by the public health council pursuant 33979  
to section 3701.341 of the Revised Code; 33980

(22) Any of the following actions taken by the agency 33981  
responsible for regulating the practice of medicine and surgery, 33982  
osteopathic medicine and surgery, podiatric medicine and surgery, 33983  
or the limited branches of medicine in another jurisdiction, for 33984  
any reason other than the nonpayment of fees: the limitation, 33985  
revocation, or suspension of an individual's license to practice; 33986  
acceptance of an individual's license surrender; denial of a 33987  
license; refusal to renew or reinstate a license; imposition of 33988  
probation; or issuance of an order of censure or other reprimand; 33989

(23) The violation of section 2919.12 of the Revised Code or 33990  
the performance or inducement of an abortion upon a pregnant woman 33991  
with actual knowledge that the conditions specified in division 33992  
(B) of section 2317.56 of the Revised Code have not been satisfied 33993  
or with a heedless indifference as to whether those conditions 33994  
have been satisfied, unless an affirmative defense as specified in 33995  
division (H)(2) of that section would apply in a civil action 33996  
authorized by division (H)(1) of that section; 33997

(24) The revocation, suspension, restriction, reduction, or 33998  
termination of clinical privileges by the United States department 33999  
of defense or department of veterans affairs or the termination or 34000  
suspension of a certificate of registration to prescribe drugs by 34001  
the drug enforcement administration of the United States 34002  
department of justice; 34003

(25) Termination or suspension from participation in the 34004  
medicare or medicaid programs by the department of health and 34005

human services or other responsible agency for any act or acts 34006  
that also would constitute a violation of division (B)(2), (3), 34007  
(6), (8), or (19) of this section; 34008

(26) Impairment of ability to practice according to 34009  
acceptable and prevailing standards of care because of habitual or 34010  
excessive use or abuse of drugs, alcohol, or other substances that 34011  
impair ability to practice. 34012

For the purposes of this division, any individual authorized 34013  
to practice by this chapter accepts the privilege of practicing in 34014  
this state subject to supervision by the board. By filing an 34015  
application for or holding a certificate to practice under this 34016  
chapter, an individual shall be deemed to have given consent to 34017  
submit to a mental or physical examination when ordered to do so 34018  
by the board in writing, and to have waived all objections to the 34019  
admissibility of testimony or examination reports that constitute 34020  
privileged communications. 34021

If it has reason to believe that any individual authorized to 34022  
practice by this chapter or any applicant for certification to 34023  
practice suffers such impairment, the board may compel the 34024  
individual to submit to a mental or physical examination, or both. 34025  
The expense of the examination is the responsibility of the 34026  
individual compelled to be examined. Any mental or physical 34027  
examination required under this division shall be undertaken by a 34028  
treatment provider or physician who is qualified to conduct the 34029  
examination and who is chosen by the board. 34030

Failure to submit to a mental or physical examination ordered 34031  
by the board constitutes an admission of the allegations against 34032  
the individual unless the failure is due to circumstances beyond 34033  
the individual's control, and a default and final order may be 34034  
entered without the taking of testimony or presentation of 34035  
evidence. If the board determines that the individual's ability to 34036  
practice is impaired, the board shall suspend the individual's 34037

certificate or deny the individual's application and shall require 34038  
the individual, as a condition for initial, continued, reinstated, 34039  
or renewed certification to practice, to submit to treatment. 34040

Before being eligible to apply for reinstatement of a 34041  
certificate suspended under this division, the impaired 34042  
practitioner shall demonstrate to the board the ability to resume 34043  
practice in compliance with acceptable and prevailing standards of 34044  
care under the provisions of the practitioner's certificate. The 34045  
demonstration shall include, but shall not be limited to, the 34046  
following: 34047

(a) Certification from a treatment provider approved under 34048  
section 4731.25 of the Revised Code that the individual has 34049  
successfully completed any required inpatient treatment; 34050

(b) Evidence of continuing full compliance with an aftercare 34051  
contract or consent agreement; 34052

(c) Two written reports indicating that the individual's 34053  
ability to practice has been assessed and that the individual has 34054  
been found capable of practicing according to acceptable and 34055  
prevailing standards of care. The reports shall be made by 34056  
individuals or providers approved by the board for making the 34057  
assessments and shall describe the basis for their determination. 34058

The board may reinstate a certificate suspended under this 34059  
division after that demonstration and after the individual has 34060  
entered into a written consent agreement. 34061

When the impaired practitioner resumes practice, the board 34062  
shall require continued monitoring of the individual. The 34063  
monitoring shall include, but not be limited to, compliance with 34064  
the written consent agreement entered into before reinstatement or 34065  
with conditions imposed by board order after a hearing, and, upon 34066  
termination of the consent agreement, submission to the board for 34067  
at least two years of annual written progress reports made under 34068

penalty of perjury stating whether the individual has maintained sobriety.	34069 34070
(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code;	34071 34072
(28) Except as provided in division (N) of this section:	34073
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;	34074 34075 34076 34077 34078 34079
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.	34080 34081 34082 34083 34084
(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	34085 34086 34087
(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file;	34088 34089 34090 34091 34092
(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;	34093 34094 34095 34096
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist,	34097 34098



certified nurse-midwife, or certified nurse practitioner with whom 34099  
the physician or podiatrist is in collaboration pursuant to 34100  
section 4731.27 of the Revised Code or failure to fulfill the 34101  
responsibilities of collaboration after entering into a standard 34102  
care arrangement; 34103

(33) Failure to comply with the terms of a consult agreement 34104  
entered into with a pharmacist pursuant to section 4729.39 of the 34105  
Revised Code; 34106

(34) Failure to cooperate in an investigation conducted by 34107  
the board under division (F) of this section, including failure to 34108  
comply with a subpoena or order issued by the board or failure to 34109  
answer truthfully a question presented by the board at a 34110  
deposition or in written interrogatories, except that failure to 34111  
cooperate with an investigation shall not constitute grounds for 34112  
discipline under this section if a court of competent jurisdiction 34113  
has issued an order that either quashes a subpoena or permits the 34114  
individual to withhold the testimony or evidence in issue; 34115

(35) Failure to supervise an acupuncturist in accordance with 34116  
Chapter 4762. of the Revised Code and the board's rules for 34117  
supervision of an acupuncturist; 34118

(36) Failure to supervise an anesthesiologist assistant in 34119  
accordance with Chapter 4760. of the Revised Code and the board's 34120  
rules for supervision of an anesthesiologist assistant; 34121

(37) Assisting suicide as defined in section 3795.01 of the 34122  
Revised Code. 34123

(C) Disciplinary actions taken by the board under divisions 34124  
(A) and (B) of this section shall be taken pursuant to an 34125  
adjudication under Chapter 119. of the Revised Code, except that 34126  
in lieu of an adjudication, the board may enter into a consent 34127  
agreement with an individual to resolve an allegation of a 34128  
violation of this chapter or any rule adopted under it. A consent 34129

agreement, when ratified by an affirmative vote of not fewer than 34130  
six members of the board, shall constitute the findings and order 34131  
of the board with respect to the matter addressed in the 34132  
agreement. If the board refuses to ratify a consent agreement, the 34133  
admissions and findings contained in the consent agreement shall 34134  
be of no force or effect. 34135

If the board takes disciplinary action against an individual 34136  
under division (B) of this section for a second or subsequent plea 34137  
of guilty to, or judicial finding of guilt of, a violation of 34138  
section 2919.123 of the Revised Code, the disciplinary action 34139  
shall consist of a suspension of the individual's certificate to 34140  
practice for a period of at least one year or, if determined 34141  
appropriate by the board, a more serious sanction involving the 34142  
individual's certificate to practice. Any consent agreement 34143  
entered into under this division with an individual that pertains 34144  
to a second or subsequent plea of guilty to, or judicial finding 34145  
of guilt of, a violation of that section shall provide for a 34146  
suspension of the individual's certificate to practice for a 34147  
period of at least one year or, if determined appropriate by the 34148  
board, a more serious sanction involving the individual's 34149  
certificate to practice. 34150

(D) For purposes of divisions (B)(10), (12), and (14) of this 34151  
section, the commission of the act may be established by a finding 34152  
by the board, pursuant to an adjudication under Chapter 119. of 34153  
the Revised Code, that the individual committed the act. The board 34154  
does not have jurisdiction under those divisions if the trial 34155  
court renders a final judgment in the individual's favor and that 34156  
judgment is based upon an adjudication on the merits. The board 34157  
has jurisdiction under those divisions if the trial court issues 34158  
an order of dismissal upon technical or procedural grounds. 34159

(E) The sealing of conviction records by any court shall have 34160  
no effect upon a prior board order entered under this section or 34161

upon the board's jurisdiction to take action under this section 34162  
if, based upon a plea of guilty, a judicial finding of guilt, or a 34163  
judicial finding of eligibility for intervention in lieu of 34164  
conviction, the board issued a notice of opportunity for a hearing 34165  
prior to the court's order to seal the records. The board shall 34166  
not be required to seal, destroy, redact, or otherwise modify its 34167  
records to reflect the court's sealing of conviction records. 34168

(F)(1) The board shall investigate evidence that appears to 34169  
show that a person has violated any provision of this chapter or 34170  
any rule adopted under it. Any person may report to the board in a 34171  
signed writing any information that the person may have that 34172  
appears to show a violation of any provision of this chapter or 34173  
any rule adopted under it. In the absence of bad faith, any person 34174  
who reports information of that nature or who testifies before the 34175  
board in any adjudication conducted under Chapter 119. of the 34176  
Revised Code shall not be liable in damages in a civil action as a 34177  
result of the report or testimony. Each complaint or allegation of 34178  
a violation received by the board shall be assigned a case number 34179  
and shall be recorded by the board. 34180

(2) Investigations of alleged violations of this chapter or 34181  
any rule adopted under it shall be supervised by the supervising 34182  
member elected by the board in accordance with section 4731.02 of 34183  
the Revised Code and by the secretary as provided in section 34184  
4731.39 of the Revised Code. The president may designate another 34185  
member of the board to supervise the investigation in place of the 34186  
supervising member. No member of the board who supervises the 34187  
investigation of a case shall participate in further adjudication 34188  
of the case. 34189

(3) In investigating a possible violation of this chapter or 34190  
any rule adopted under this chapter, the board may administer 34191  
oaths, order the taking of depositions, issue subpoenas, and 34192  
compel the attendance of witnesses and production of books, 34193

accounts, papers, records, documents, and testimony, except that a 34194  
subpoena for patient record information shall not be issued 34195  
without consultation with the attorney general's office and 34196  
approval of the secretary and supervising member of the board. 34197  
Before issuance of a subpoena for patient record information, the 34198  
secretary and supervising member shall determine whether there is 34199  
probable cause to believe that the complaint filed alleges a 34200  
violation of this chapter or any rule adopted under it and that 34201  
the records sought are relevant to the alleged violation and 34202  
material to the investigation. The subpoena may apply only to 34203  
records that cover a reasonable period of time surrounding the 34204  
alleged violation. 34205

On failure to comply with any subpoena issued by the board 34206  
and after reasonable notice to the person being subpoenaed, the 34207  
board may move for an order compelling the production of persons 34208  
or records pursuant to the Rules of Civil Procedure. 34209

A subpoena issued by the board may be served by a sheriff, 34210  
the sheriff's deputy, or a board employee designated by the board. 34211  
Service of a subpoena issued by the board may be made by 34212  
delivering a copy of the subpoena to the person named therein, 34213  
reading it to the person, or leaving it at the person's usual 34214  
place of residence. When the person being served is a person whose 34215  
practice is authorized by this chapter, service of the subpoena 34216  
may be made by certified mail, restricted delivery, return receipt 34217  
requested, and the subpoena shall be deemed served on the date 34218  
delivery is made or the date the person refuses to accept 34219  
delivery. 34220

A sheriff's deputy who serves a subpoena shall receive the 34221  
same fees as a sheriff. Each witness who appears before the board 34222  
in obedience to a subpoena shall receive the fees and mileage 34223  
provided for witnesses in civil cases in the courts of common 34224  
pleas. 34225

(4) All hearings and investigations of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) Information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code, except that consent or a waiver of that nature is not required if the board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

The board may share any information it receives pursuant to an investigation, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or

complainants whose confidentiality was protected by the state 34258  
medical board when the information was in the board's possession. 34259  
Measures to ensure confidentiality that may be taken by the court 34260  
include sealing its records or deleting specific information from 34261  
its records. 34262

(6) On a quarterly basis, the board shall prepare a report 34263  
that documents the disposition of all cases during the preceding 34264  
three months. The report shall contain the following information 34265  
for each case with which the board has completed its activities: 34266

(a) The case number assigned to the complaint or alleged 34267  
violation; 34268

(b) The type of certificate to practice, if any, held by the 34269  
individual against whom the complaint is directed; 34270

(c) A description of the allegations contained in the 34271  
complaint; 34272

(d) The disposition of the case. 34273

The report shall state how many cases are still pending and 34274  
shall be prepared in a manner that protects the identity of each 34275  
person involved in each case. The report shall be a public record 34276  
under section 149.43 of the Revised Code. 34277

(G) If the secretary and supervising member determine that 34278  
there is clear and convincing evidence that an individual has 34279  
violated division (B) of this section and that the individual's 34280  
continued practice presents a danger of immediate and serious harm 34281  
to the public, they may recommend that the board suspend the 34282  
individual's certificate to practice without a prior hearing. 34283  
Written allegations shall be prepared for consideration by the 34284  
board. 34285

The board, upon review of those allegations and by an 34286  
affirmative vote of not fewer than six of its members, excluding 34287

the secretary and supervising member, may suspend a certificate 34288  
without a prior hearing. A telephone conference call may be 34289  
utilized for reviewing the allegations and taking the vote on the 34290  
summary suspension. 34291

The board shall issue a written order of suspension by 34292  
certified mail or in person in accordance with section 119.07 of 34293  
the Revised Code. The order shall not be subject to suspension by 34294  
the court during pendency of any appeal filed under section 119.12 34295  
of the Revised Code. If the individual subject to the summary 34296  
suspension requests an adjudicatory hearing by the board, the date 34297  
set for the hearing shall be within fifteen days, but not earlier 34298  
than seven days, after the individual requests the hearing, unless 34299  
otherwise agreed to by both the board and the individual. 34300

Any summary suspension imposed under this division shall 34301  
remain in effect, unless reversed on appeal, until a final 34302  
adjudicative order issued by the board pursuant to this section 34303  
and Chapter 119. of the Revised Code becomes effective. The board 34304  
shall issue its final adjudicative order within ~~sixty~~ seventy-five 34305  
days after completion of its hearing. A failure to issue the order 34306  
within ~~sixty~~ seventy-five days shall result in dissolution of the 34307  
summary suspension order but shall not invalidate any subsequent, 34308  
final adjudicative order. 34309

(H) If the board takes action under division (B)(9), (11), or 34310  
(13) of this section and the judicial finding of guilt, guilty 34311  
plea, or judicial finding of eligibility for intervention in lieu 34312  
of conviction is overturned on appeal, upon exhaustion of the 34313  
criminal appeal, a petition for reconsideration of the order may 34314  
be filed with the board along with appropriate court documents. 34315  
Upon receipt of a petition of that nature and supporting court 34316  
documents, the board shall reinstate the individual's certificate 34317  
to practice. The board may then hold an adjudication under Chapter 34318  
119. of the Revised Code to determine whether the individual 34319

committed the act in question. Notice of an opportunity for a 34320  
hearing shall be given in accordance with Chapter 119. of the 34321  
Revised Code. If the board finds, pursuant to an adjudication held 34322  
under this division, that the individual committed the act or if 34323  
no hearing is requested, the board may order any of the sanctions 34324  
identified under division (B) of this section. 34325

(I) The certificate to practice issued to an individual under 34326  
this chapter and the individual's practice in this state are 34327  
automatically suspended as of the date of the individual's second 34328  
or subsequent plea of guilty to, or judicial finding of guilt of, 34329  
a violation of section 2919.123 of the Revised Code, or the date 34330  
the individual pleads guilty to, is found by a judge or jury to be 34331  
guilty of, or is subject to a judicial finding of eligibility for 34332  
intervention in lieu of conviction in this state or treatment or 34333  
intervention in lieu of conviction in another jurisdiction for any 34334  
of the following criminal offenses in this state or a 34335  
substantially equivalent criminal offense in another jurisdiction: 34336  
aggravated murder, murder, voluntary manslaughter, felonious 34337  
assault, kidnapping, rape, sexual battery, gross sexual 34338  
imposition, aggravated arson, aggravated robbery, or aggravated 34339  
burglary. Continued practice after suspension shall be considered 34340  
practicing without a certificate. 34341

The board shall notify the individual subject to the 34342  
suspension by certified mail or in person in accordance with 34343  
section 119.07 of the Revised Code. If an individual whose 34344  
certificate is automatically suspended under this division fails 34345  
to make a timely request for an adjudication under Chapter 119. of 34346  
the Revised Code, the board shall do whichever of the following is 34347  
applicable: 34348

(1) If the automatic suspension under this division is for a 34349  
second or subsequent plea of guilty to, or judicial finding of 34350  
guilt of, a violation of section 2919.123 of the Revised Code, the 34351



board shall enter an order suspending the individual's certificate 34352  
to practice for a period of at least one year or, if determined 34353  
appropriate by the board, imposing a more serious sanction 34354  
involving the individual's certificate to practice. 34355

(2) In all circumstances in which division (I)(1) of this 34356  
section does not apply, enter a final order permanently revoking 34357  
the individual's certificate to practice. 34358

(J) If the board is required by Chapter 119. of the Revised 34359  
Code to give notice of an opportunity for a hearing and if the 34360  
individual subject to the notice does not timely request a hearing 34361  
in accordance with section 119.07 of the Revised Code, the board 34362  
is not required to hold a hearing, but may adopt, by an 34363  
affirmative vote of not fewer than six of its members, a final 34364  
order that contains the board's findings. In that final order, the 34365  
board may order any of the sanctions identified under division (A) 34366  
or (B) of this section. 34367

(K) Any action taken by the board under division (B) of this 34368  
section resulting in a suspension from practice shall be 34369  
accompanied by a written statement of the conditions under which 34370  
the individual's certificate to practice may be reinstated. The 34371  
board shall adopt rules governing conditions to be imposed for 34372  
reinstatement. Reinstatement of a certificate suspended pursuant 34373  
to division (B) of this section requires an affirmative vote of 34374  
not fewer than six members of the board. 34375

(L) When the board refuses to grant a certificate to an 34376  
applicant, revokes an individual's certificate to practice, 34377  
refuses to register an applicant, or refuses to reinstate an 34378  
individual's certificate to practice, the board may specify that 34379  
its action is permanent. An individual subject to a permanent 34380  
action taken by the board is forever thereafter ineligible to hold 34381  
a certificate to practice and the board shall not accept an 34382  
application for reinstatement of the certificate or for issuance 34383

of a new certificate. 34384

(M) Notwithstanding any other provision of the Revised Code, 34385  
all of the following apply: 34386

(1) The surrender of a certificate issued under this chapter 34387  
shall not be effective unless or until accepted by the board. 34388  
Reinstatement of a certificate surrendered to the board requires 34389  
an affirmative vote of not fewer than six members of the board. 34390

(2) An application for a certificate made under the 34391  
provisions of this chapter may not be withdrawn without approval 34392  
of the board. 34393

(3) Failure by an individual to renew a certificate of 34394  
registration in accordance with this chapter shall not remove or 34395  
limit the board's jurisdiction to take any disciplinary action 34396  
under this section against the individual. 34397

(N) Sanctions shall not be imposed under division (B)(28) of 34398  
this section against any person who waives deductibles and 34399  
copayments as follows: 34400

(1) In compliance with the health benefit plan that expressly 34401  
allows such a practice. Waiver of the deductibles or copayments 34402  
shall be made only with the full knowledge and consent of the plan 34403  
purchaser, payer, and third-party administrator. Documentation of 34404  
the consent shall be made available to the board upon request. 34405

(2) For professional services rendered to any other person 34406  
authorized to practice pursuant to this chapter, to the extent 34407  
allowed by this chapter and rules adopted by the board. 34408

(O) Under the board's investigative duties described in this 34409  
section and subject to division (F) of this section, the board 34410  
shall develop and implement a quality intervention program 34411  
designed to improve through remedial education the clinical and 34412  
communication skills of individuals authorized under this chapter 34413

to practice medicine and surgery, osteopathic medicine and 34414  
surgery, and podiatric medicine and surgery. In developing and 34415  
implementing the quality intervention program, the board may do 34416  
all of the following: 34417

(1) Offer in appropriate cases as determined by the board an 34418  
educational and assessment program pursuant to an investigation 34419  
the board conducts under this section; 34420

(2) Select providers of educational and assessment services, 34421  
including a quality intervention program panel of case reviewers; 34422

(3) Make referrals to educational and assessment service 34423  
providers and approve individual educational programs recommended 34424  
by those providers. The board shall monitor the progress of each 34425  
individual undertaking a recommended individual educational 34426  
program. 34427

(4) Determine what constitutes successful completion of an 34428  
individual educational program and require further monitoring of 34429  
the individual who completed the program or other action that the 34430  
board determines to be appropriate; 34431

(5) Adopt rules in accordance with Chapter 119. of the 34432  
Revised Code to further implement the quality intervention 34433  
program. 34434

An individual who participates in an individual educational 34435  
program pursuant to this division shall pay the financial 34436  
obligations arising from that educational program. 34437

**Sec. 4736.01.** As used in this chapter: 34438

(A) "Environmental health science" means the aspect of public 34439  
health science that includes, but is not limited to, the following 34440  
bodies of knowledge: air quality, food quality and protection, 34441  
hazardous and toxic substances, consumer product safety, housing, 34442  
institutional health and safety, community noise control, 34443

radiation protection, recreational facilities, solid and liquid	34444
waste management, vector control, drinking water quality, milk	34445
sanitation, and rabies control.	34446
(B) "Sanitarian" means a person who performs for compensation	34447
educational, investigational, technical, or administrative duties	34448
requiring specialized knowledge and skills in the field of	34449
environmental health science.	34450
(C) "Registered sanitarian" means a person who is registered	34451
as a sanitarian in accordance with this chapter.	34452
(D) "Sanitarian-in-training" means a person who is registered	34453
as a sanitarian-in-training in accordance with this chapter.	34454
(E) "Practice of environmental health" means consultation,	34455
instruction, investigation, inspection, or evaluation by an	34456
employee of a city health district, a general health district, the	34457
environmental protection agency, the department of health, or the	34458
department of agriculture requiring specialized knowledge,	34459
training, and experience in the field of environmental health	34460
science, with the primary purpose of improving or conducting	34461
administration or enforcement under any of the following:	34462
(1) Chapter 911., 913., 917., 3717., <del>3718.</del> , 3721., 3729., or	34463
3733. of the Revised Code;	34464
(2) Chapter 3734. of the Revised Code as it pertains to solid	34465
waste;	34466
(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections	34467
3707.38 to 3707.99, or section 3715.21 of the Revised Code;	34468
(4) Rules adopted under section 3701.34 of the Revised Code	34469
pertaining to <u>home sewage</u> , rabies control, or swimming pools;	34470
(5) Rules adopted under section 3701.935 of the Revised Code	34471
for school health and safety network inspections and rules adopted	34472
under section 3707.26 of the Revised Code for sanitary	34473

inspections. 34474

"Practice of environmental health" does not include sampling, 34475  
testing, controlling of vectors, reporting of observations, or 34476  
other duties that do not require application of specialized 34477  
knowledge and skills in environmental health science performed 34478  
under the supervision of a registered sanitarian. 34479

The state board of sanitarian registration may further define 34480  
environmental health science in relation to specific functions in 34481  
the practice of environmental health through rules adopted by the 34482  
board under Chapter 119. of the Revised Code. 34483

**Sec. 4743.05.** Except as otherwise provided in sections 34484  
4701.20, 4723.062, 4723.082, and 4729.65 of the Revised Code, all 34485  
money collected under Chapters 3773., 4701., 4703., 4709., 4713., 34486  
4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 34487  
4741., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 4771., 34488  
4775., 4779., and 4781. of the Revised Code shall be paid into the 34489  
state treasury to the credit of the occupational licensing and 34490  
regulatory fund, which is hereby created for use in administering 34491  
such chapters. 34492

At the end of each quarter, the director of budget and 34493  
management shall transfer from the occupational licensing and 34494  
regulatory fund to the nurse education assistance fund created in 34495  
section 3333.28 of the Revised Code the amount certified to the 34496  
director under division (B) of section 4723.08 of the Revised 34497  
Code. 34498

At the end of each quarter, the director shall transfer from 34499  
the occupational licensing and regulatory fund to the certified 34500  
public accountant education assistance fund created in section 34501  
4701.26 of the Revised Code the amount certified to the director 34502  
under division (H)(2) of section 4701.10 of the Revised Code. 34503

Sec. 4755.03. All ~~Except as provided in section 4755.99 of~~ 34504  
~~the Revised Code, all fees and fines~~ collected and assessed under 34505  
this chapter by the appropriate section of the Ohio occupational 34506  
therapy, physical therapy, and athletic trainers board, shall be 34507  
deposited into the state treasury to the credit of the 34508  
occupational licensing and regulatory fund. 34509

Sec. 4766.05. (A) The Ohio medical transportation board shall 34510  
establish by rule a license fee, a permit fee for each ambulance, 34511  
ambulette, rotorcraft air ambulance, fixed wing air ambulance, and 34512  
nontransport vehicle owned or leased by the licensee that is or 34513  
will be used as provided in section 4766.07 of the Revised Code, 34514  
and fees for renewals of licenses and permits, taking into 34515  
consideration the actual costs incurred by the board in carrying 34516  
out its duties under this chapter. However, the fee for each 34517  
license and each renewal of a license shall not exceed one hundred 34518  
dollars, and the fee for each permit and each renewal of a permit 34519  
shall not exceed one hundred dollars for each ambulance, 34520  
rotorcraft air ambulance, fixed wing air ambulance, and 34521  
nontransport vehicle. The fee for each permit and each renewal of 34522  
a permit shall be twenty-five dollars for each ambulette for one 34523  
year after ~~the effective date of this amendment~~ March 9, 2004. 34524  
Thereafter, the board shall determine by rule the fee, which shall 34525  
not exceed fifty dollars, for each permit and each renewal of a 34526  
permit for each ambulette. For purposes of establishing fees, 34527  
"actual costs" includes the costs of salaries, expenses, 34528  
inspection equipment, supervision, and program administration. 34529

(B) The board shall deposit all fees and other moneys 34530  
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 34531  
the Revised Code in the state treasury to the credit of the ~~Ohio~~ 34532  
~~medical transportation trust~~ occupational licensing and regulatory 34533  
fund, which is hereby created by section 4743.05 of the Revised 34534

Code. All moneys from the fund shall be used solely for the 34535  
salaries and expenses of the board incurred in implementing and 34536  
enforcing this chapter. 34537

(C) The board, subject to the approval of the controlling 34538  
board, may establish fees in excess of the maximum amounts allowed 34539  
under division (A) of this section, but such fees shall not exceed 34540  
those maximum amounts by more than fifty per cent. 34541

**Sec. 4775.08.** (A) The initial and annual renewal fee for a 34542  
motor vehicle collision repair registration certificate and for a 34543  
temporary motor vehicle collision repair registration certificate 34544  
is one hundred fifty dollars for each business location at which 34545  
the motor vehicle collision repair operator conducts business as 34546  
an operator, except that the board of motor vehicle collision 34547  
repair registration, with the approval of the controlling board, 34548  
may establish fees in excess of or less than that amount, provided 34549  
that such fees do not exceed or are not less than that amount by 34550  
more than fifty per cent. 34551

The board shall adjust the fees as necessary in order to 34552  
provide for the expenses associated with carrying out this chapter 34553  
~~without causing an excessive build up of surplus funds in the~~ 34554  
~~motor vehicle collision repair registration fund, which is hereby~~ 34555  
~~created in the state treasury.~~ 34556

(B) If the board has notified or attempted to notify a motor 34557  
vehicle collision repair operator that the operator is required to 34558  
be registered under this chapter, and the operator fails to 34559  
register, the initial fee for the registration of such an 34560  
unregistered operator for each business location at which the 34561  
operator conducts business as an operator, is the initial fee then 34562  
in effect plus an additional amount equal to the initial fee then 34563  
in effect for each calendar year that the operator is not 34564  
registered after the board has notified or attempted to notify the 34565

operator. 34566

(C) The board shall deposit all fees and fines collected 34567  
under this chapter into the ~~motor vehicle collision repair~~ 34568  
~~registration fund. The board shall use the fund solely for the~~ 34569  
~~administration and enforcement of this chapter~~ occupational 34570  
licensing and regulatory fund created by section 4743.05 of the 34571  
Revised Code. 34572

**Sec. 4921.40.** In accordance with section 4921.04 of the 34573  
Revised Code, the public utilities commission may adopt rules: 34574

(A) Providing for binding estimates by motor transportation 34575  
companies engaged, for hire, in the business of transporting 34576  
household goods over a public highway in this state; 34577

(B) Providing for guaranteed-not-to-exceed estimates by such 34578  
motor transportation companies; 34579

(C) Requiring such motor transportation companies to include 34580  
their certificate number in all advertising, written estimates, 34581  
and contracts related to the transportation of household goods in 34582  
this state; 34583

(D) As are necessary and proper to carry out this chapter 34584  
with respect to such motor transportation companies; 34585

(E) Providing for the enforcement of the consumer protection 34586  
provisions of Title 49 of the United States Code related to the 34587  
delivery and transportation of household goods in interstate 34588  
commerce, as permitted by 49 U.S.C. 14710. Any fine or penalty 34589  
imposed as a result of such enforcement shall be deposited into 34590  
the state treasury to the credit of the general revenue fund. 34591

**Sec. 4923.26.** There is hereby created in the state treasury 34592  
the federal commercial vehicle transportation systems fund. The 34593  
fund shall consist of money received from the United States 34594



department of transportation's commercial vehicle intelligent 34595  
transportation systems infrastructure deployment program. The 34596  
public utilities commission shall use the fund to deploy the Ohio 34597  
commercial vehicle information systems networks project and to 34598  
improve safety of motor carrier operations through electronic 34599  
exchange of data by means of on-highway electronic systems. 34600

**Sec. 5101.162.** Subject to available federal funds and 34601  
appropriations made by the general assembly, the department of job 34602  
and family services may, at its sole discretion, use available 34603  
federal funds to reimburse county expenditures for county 34604  
administration of food stamps or medicaid even though the county 34605  
expenditures meet or exceed the maximum allowable reimbursement 34606  
amount established by rules adopted under section 5101.161 of the 34607  
Revised Code ~~if the board of county commissioners has entered into~~ 34608  
~~a fiscal agreement with the director of job and family services~~ 34609  
~~under section 5101.21 of the Revised Code.~~ The director may adopt 34610  
internal management rules in accordance with section 111.15 of the 34611  
Revised Code to implement this section. 34612

**Sec. 5101.21.** (A) As used in ~~this section,~~ "county signer 34613  
sections 5101.21 to 5101.212 of the Revised Code: 34614

(1) "County grantee" means all of the following: 34615

~~(1)(a)~~ (a) A board of county commissioners; 34616

~~(2)(b)~~ (b) A county children services board appointed under 34617  
section 5153.03 of the Revised Code ~~if required by division (B) of~~ 34618  
~~this section to enter into a fiscal agreement;~~ 34619

~~(3)(c)~~ (c) A county elected official that is a child support 34620  
enforcement agency ~~if required by division (B) of this section to~~ 34621  
~~enter into a fiscal agreement.~~ 34622

(2) "County subgrant" means a grant that a county grantee 34623  
awards to another entity. 34624

(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. 34625  
34626  
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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. 34628  
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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: 34631  
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(a) Technical assistance that provides services instead of money; 34639  
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(b) Other assistance provided in the form of revenue sharing, loans, loan guarantees, interest subsidies, or insurance. 34641  
34642

(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. 34643  
34644  
34645

(B) The Effective July 1, 2008, the director of job and family services may award grants to counties only through grant agreements entered into under this section. 34646  
34647  
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(C) The director shall enter into one or more written fiscal grant agreements with boards of the county commissioners under which financial assistance is awarded for family services duties included in the agreements grantees of each county. Boards of county commissioners shall select which family services duties to include in a fiscal agreement. If a board of county commissioners elects to include family services duties of a public children 34649  
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~~services agency and a county children services board appointed 34656~~  
~~under section 5153.03 of the Revised Code serves as the county's 34657~~  
~~public children services agency, the board of county commissioners 34658~~  
~~and county children services board shall jointly enter into the 34659~~  
~~fiscal agreement with the director. If a board of county 34660~~  
~~commissioners elects to include family services duties of a child 34661~~  
~~support enforcement agency and the entity designated under former 34662~~  
~~section 2301.35 of the Revised Code prior to October 1, 1997, or 34663~~  
~~designated under section 307.981 of the Revised Code as the 34664~~  
~~county's child support enforcement agency is an elected official 34665~~  
~~of the county, the board of county commissioners and county 34666~~  
~~elected official If a county has multiple county grantees, the 34667~~  
~~director shall jointly enter into the fiscal grant agreement with 34668~~  
~~the director all of the county grantees. The initial grant 34669~~  
~~agreement shall be entered into not later than January 31, 2008, 34670~~  
~~and shall be in effect for fiscal year 2009. Except as provided in 34671~~  
~~rules adopted under this section, subsequent grant agreements 34672~~  
~~shall be entered into before the first day of each successive 34673~~  
~~fiscal biennial period and shall be in effect for that fiscal 34674~~  
~~biennial period or, in the case of a grant agreement entered into 34675~~  
~~after the first day of a fiscal biennial period and except as 34676~~  
~~provided by section 5101.211 of the Revised Code, for the 34677~~  
~~remainder of the fiscal biennial period. A fiscal grant agreement 34678~~  
~~shall do all of the following: 34679~~

(1) Comply with all of the conditions, requirements, and 34680  
restrictions applicable to the family services duties for which 34681  
the grants included in the agreement are awarded, including the 34682  
conditions, requirements, and restrictions established by the 34683  
department, federal or state law, state plans for receipt of 34684  
federal financial participation, agreements between the department 34685  
and a federal agency, and executive orders issued by the governor; 34686

(2) Establish terms and conditions governing the 34687

<u>accountability for and use of the grants included in the grant</u>	34688
<u>agreement;</u>	34689
<u>(3) Specify <del>the</del> both of the following:</u>	34690
<u>(a) The family services duties <del>included in the agreement and</del></u>	34691
<u><del>the</del> for which the grants included in the agreement are awarded;</u>	34692
<u>(b) The private and government entities designated under</u>	34693
section 307.981 of the Revised Code to serve as the county family	34694
services agencies performing the family services duties;	34695
<del>(2)</del> <u>(4) Provide for the department of job and family services</u>	34696
to award <del>financial assistance for the family services duties</del>	34697
<u>grants</u> included in the agreement in accordance with a methodology	34698
for determining the amount of the award established by rules	34699
adopted under <del>division (D)</del> of this section;	34700
<del>(3)</del> <u>(5) Specify the form of the <del>award of financial assistance</del></u>	34701
<u>grants</u> which may be <del>an allocation, a cash draw, reimbursement,</del>	34702
property, <u>advance, working capital advance,</u> or, <del>to the extent</del>	34703
<del>authorized by an appropriation made by the general assembly and to</del>	34704
<del>the extent practicable and not in conflict with a federal or state</del>	34705
<del>law, a consolidated funding allocation for two or more family</del>	34706
<del>services duties included in the agreement</del> <u>other forms specified in</u>	34707
<u>rules adopted under this section;</u>	34708
<del>(4)</del> <u>(6) Provide that the <del>award of financial assistance is</del></u>	34709
<u>grants</u> are subject to the availability of federal funds and	34710
appropriations made by the general assembly;	34711
<del>(5)</del> <u>(7) Specify annual financial, administrative, or other</u>	34712
incentive awards, if any, to be provided in accordance with	34713
section 5101.23 of the Revised Code;	34714
<del>(6)</del> <u>(8) Include the assurance of each county <del>signer</del> <u>grantee</u></u>	34715
that the county <del>signer</del> <u>grantee</u> will do all of the following:	34716
(a) Ensure that the <del>financial assistance awarded under</del> <u>grants</u>	34717

~~included in~~ the agreement ~~is~~ are used, and the family services 34718  
duties ~~included in for which~~ the agreement grants are awarded are 34719  
performed, in accordance with conditions, requirements ~~for,~~ and 34720  
restrictions applicable to the duties established by the 34721  
department, a federal or state law, ~~or any of the following that~~ 34722  
~~concern the family services duties included in the fiscal~~ 34723  
~~agreement and are published under section 5101.212 of the Revised~~ 34724  
Code; state plans for receipt of federal financial participation, 34725  
~~grant~~ agreements between the department and a federal agency, and 34726  
executive orders issued by the governor; 34727

(b) ~~Ensure that the board and county family services agencies~~ 34728  
~~utilize~~ Utilize a financial management system and other 34729  
accountability mechanisms for the ~~financial assistance~~ grants 34730  
awarded under the agreement that meet requirements the department 34731  
establishes; 34732

(c) ~~Require the county family services agencies to do both~~ Do 34733  
all of the following with regard to a county subgrant: 34734

(i) Award the subgrant through a written county subgrant 34735  
agreement that requires the entity awarded the county subgrant to 34736  
comply with all conditions, requirements, and restrictions 34737  
applicable to the county grantee regarding the grant that the 34738  
county grantee subgrants to the entity, including the conditions, 34739  
requirements, and restrictions of this section; 34740

(ii) ~~Monitor all private and government entities~~ the entity 34741  
that ~~receive a payment from financial assistance~~ is awarded under 34742  
the agreement subgrant to ensure that each the entity uses the 34743  
~~payment~~ subgrant in accordance with conditions, requirements ~~for,~~ 34744  
and restrictions applicable to the family services duties ~~included~~ 34745  
~~in for which~~ the agreement subgrant is awarded; 34746

~~(ii)~~(iii) Take action to recover ~~payments~~ subgrants that are 34747  
not used in accordance with the conditions, requirements ~~for,~~ or 34748

restrictions applicable to the family services duties included in 34749  
for which the agreement subgrant is awarded. 34750

~~(d) Require county family services agencies to promptly~~ 34751  
Promptly reimburse the department the amount that represents the 34752  
amount ~~an agency~~ the county grantee is responsible for, pursuant 34753  
to action the department takes under division (C) of section 34754  
5101.24 of the Revised Code, of funds the department pays to any 34755  
entity because of an adverse audit finding, adverse quality 34756  
control finding, final disallowance of federal financial 34757  
participation, or other sanction or penalty; 34758

~~(e) Require county family services agencies to take~~ Take 34759  
prompt corrective action, including paying amounts resulting from 34760  
an adverse finding, sanction, or penalty, if the department, 34761  
auditor of state, federal agency, or other entity authorized by 34762  
federal or state law to determine compliance with the conditions, 34763  
requirements for, and restrictions applicable to a family services 34764  
duty for which a grant included in the agreement is awarded 34765  
determines compliance has not been achieved; 34766

(f) Ensure that any matching funds, regardless of the source, 34767  
that the county grantee manages are clearly identified and used in 34768  
accordance with federal and state laws and the agreement. 34769

~~(7)(9)~~ Provide for the department taking action pursuant to 34770  
division (C) of section 5101.24 of the Revised Code if authorized 34771  
by division (B)(1), (2), (3), or (4) of that section; 34772

~~(8)(10)~~ Provide for timely audits required by federal and 34773  
state law and require prompt release of audit findings and prompt 34774  
action to correct problems identified in an audit; 34775

~~(9) Comply with all of the requirements for the family~~ 34776  
~~services duties that are included in the agreement and have been~~ 34777  
~~established by the department, federal or state law, or any of the~~ 34778  
~~following that concern the family services duties included in the~~ 34779

~~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;~~

~~(10)~~(11) Provide for dispute resolution administrative review procedures in accordance with section 5101.24 of the Revised Code;

~~(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;

~~(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.

~~(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.

(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, including funds for personal services and maintenance.

~~(D)~~(F)(1) The director shall adopt rules in accordance with section 111.15 of the Revised Code governing fiscal grant agreements. The director shall adopt the rules as if they were internal management rules. Before adopting the rules, the director shall give the public an opportunity to review and comment on the proposed rules. The rules shall establish methodologies to be used

to determine the amount of ~~financial assistance to be awarded~~ 34811  
~~under the grants included in~~ the agreements. The rules also shall 34812  
establish terms and conditions under which an agreement may be 34813  
entered into after the first day of ~~July of an odd-numbered year a~~ 34814  
fiscal biennial period. The rules may do any or all of the 34815  
following: 34816

(a) Govern the award of grants included in grant agreements, 34817  
including the establishment of allocations, and restrictions on, 34818  
the form of the grants and the distribution of the grants; 34819

(b) Specify allowable uses of ~~financial assistance awarded~~ 34820  
~~under the grants included in~~ the agreements; 34821

(c) Establish reporting, cash management, audit, and other 34822  
requirements the director determines are necessary to provide 34823  
accountability for the use of ~~financial assistance awarded under~~ 34824  
the grants included in the agreements and determine compliance 34825  
with conditions, requirements, and restrictions established by the 34826  
department, a federal or state law, ~~or any of the following that~~ 34827  
~~concern the family services duties included in the agreements and~~ 34828  
~~are published under section 5101.212 of the Revised Code:~~ state 34829  
plans for receipt of federal financial participation, ~~grant~~ 34830  
agreements between the department and a federal ~~entity~~ agency, and 34831  
executive orders issued by the governor. 34832

(2) A requirement of a ~~fiscal~~ grant agreement established by 34833  
a rule adopted under this division is applicable to a ~~fiscal~~ grant 34834  
agreement without having to be restated in the ~~fiscal~~ grant 34835  
agreement. A requirement established by a grant agreement is 34836  
applicable to the grant agreement without having to be restated in 34837  
a rule. 34838

**Sec. 5101.211.** ~~(A) Except as provided in division (B) of this~~ 34839  
~~section, the~~ The director of job and family services may provide 34840  
for a ~~fiscal~~ grant agreement entered into under section 5101.21 of 34841



the Revised Code to have a retroactive effective date of the first 34842  
day of July of an odd-numbered year if both of the following are 34843  
the case: 34844

~~(1)(A)~~ The agreement is entered into after that date and 34845  
before the last day of that July. 34846

~~(2)(B)~~ The board of county commissioners requests the 34847  
retroactive effective date and provides the director good cause 34848  
satisfactory to the director for the reason the agreement was not 34849  
entered into on or before the first day of that July. 34850

~~(B) The director may provide for a fiscal agreement to have a 34851  
retroactive effective date of July 1, 2003, if both of the 34852  
following are the case: 34853~~

~~(1) The agreement is entered into after July 1, 2003, and 34854  
before August 29, 2003. 34855~~

~~(2) The board of county commissioners requests the 34856  
retroactive effective date. 34857~~

**Sec. 5101.212.** The department of job and family services 34858  
shall publish in a manner accessible to the public all of the 34859  
following that concern family services duties for which grants 34860  
included in ~~fiscal~~ grant agreements entered into under section 34861  
5101.21 of the Revised Code are awarded: state plans for receipt 34862  
of federal financial participation, ~~grant~~ agreements between the 34863  
department and a federal agency, and executive orders issued by 34864  
the governor. The department may publish the materials 34865  
electronically or otherwise. 34866

**Sec. 5101.213.** (A) ~~Except as provided in section 5101.211 of 34867  
the Revised Code, if a fiscal agreement under section 5101.21 of 34868  
the Revised Code between the director of job and family services 34869  
and a board of county commissioners is not in effect Until July 1, 34870  
2008, all of the following apply: 34871~~

(1) ~~The~~ For each board of county commissioners, the 34872  
department of job and family services shall award to the county 34873  
the board serves financial assistance for family services duties 34874  
in accordance with a methodology for determining the amount of the 34875  
award established by rules adopted under division (B) of this 34876  
section. 34877

(2) The financial assistance may be provided in the form of 34878  
allocations, cash draws, reimbursements, and property but may not 34879  
be made in the form of a consolidated funding allocation. 34880

(3) The award of the financial assistance is subject to the 34881  
availability of federal funds and appropriations made by the 34882  
general assembly. 34883

(4) The county family services agencies performing the family 34884  
services duties for which the financial assistance is awarded 34885  
shall do all of the following: 34886

(a) Use the financial assistance, and perform the family 34887  
services duties, in accordance with requirements for the duties 34888  
established by the department, a federal or state law, or any of 34889  
the following that concern the duties: state plans for receipt of 34890  
federal financial participation, grant agreements between the 34891  
department and a federal agency, and executive orders issued by 34892  
the governor; 34893

(b) Utilize a financial management system and other 34894  
accountability mechanisms for the financial assistance that meet 34895  
requirements the department establishes; 34896

(c) Monitor all private and government entities that receive 34897  
a payment from the financial assistance to ensure that each entity 34898  
uses the payment in accordance with requirements for the family 34899  
services duties and take action to recover payments that are not 34900  
used in accordance with the requirements for the family services 34901  
duties; 34902

(d) Promptly reimburse the department the amount that 34903  
represents the amount an agency is responsible for, pursuant to 34904  
action the department takes under division (C) of section 5101.24 34905  
of the Revised Code, of funds the department pays to any entity 34906  
because of an adverse audit finding, adverse quality control 34907  
finding, final disallowance of federal financial participation, or 34908  
other sanction or penalty; 34909

(e) Take prompt corrective action, including paying amounts 34910  
resulting from an adverse finding, sanction, or penalty, if the 34911  
department, auditor of state, federal agency, or other entity 34912  
authorized by federal or state law to determine compliance with 34913  
requirements for a family services duty determines compliance has 34914  
not been achieved. 34915

(B) The director shall adopt rules in accordance with section 34916  
111.15 of the Revised Code as necessary to implement this section. 34917  
The director shall adopt the rules as if they were internal 34918  
management rules. Before adopting the rules, the director shall 34919  
give the public an opportunity to review and comment on the 34920  
proposed rules. The rules shall establish methodologies to be used 34921  
to determine the amount of financial assistance to be awarded and 34922  
may do any or all of the following: 34923

(1) Govern the establishment of funding allocations; 34924

(2) Specify allowable uses of financial assistance the 34925  
department awards under this section; 34926

(3) Establish reporting, cash management, audit, and other 34927  
requirements the director determines are necessary to provide 34928  
accountability for the use of the financial assistance and 34929  
determine compliance with requirements established by the 34930  
department, a federal or state law, or any of the following that 34931  
concern the family services duties for which the financial 34932  
assistance is awarded: state plans for receipt of federal 34933

financial participation, grant agreements between the department 34934  
and a federal entity, and executive orders issued by the governor. 34935

**Sec. 5101.24.** (A) As used in this section, "responsible 34936  
~~entity county grantee~~" means ~~a board of county commissioners or a~~ 34937  
~~county family services agency,~~ whichever county grantee, as 34938  
defined in section 5101.21 of the Revised Code, the director of 34939  
job and family services determines is appropriate to take action 34940  
against under division (C) of this section. 34941

(B) Regardless of whether a family services duty is performed 34942  
by a county family services agency, private or government entity 34943  
pursuant to a contract entered into under section 307.982 of the 34944  
Revised Code or division (C)(2) of section 5153.16 of the Revised 34945  
Code, or private or government provider of a family service duty, 34946  
the department of job and family services may take action under 34947  
division (C) of this section against the responsible ~~entity~~ county 34948  
grantee if the department determines any of the following are the 34949  
case: 34950

(1) A requirement of a ~~fiscal grant~~ agreement entered into 34951  
under section 5101.21 of the Revised Code that includes a grant 34952  
for the family services duty, including a requirement for ~~fiscal~~ 34953  
grant agreements established by rules adopted under that section, 34954  
is not complied with; 34955

(2) A county family services agency fails to develop, submit 34956  
to the department, or comply with a corrective action plan under 34957  
division (B) of section 5101.221 of the Revised Code, or the 34958  
department disapproves the agency's corrective action plan 34959  
developed under division (B) of section 5101.221 of the Revised 34960  
Code; 34961

(3) A requirement for the family services duty established by 34962  
the department or any of the following is not complied with: a 34963  
federal or state law, state plan for receipt of federal financial 34964

participation, grant agreement between the department and a 34965  
federal agency, or executive order issued by the governor; 34966

(4) The responsible ~~entity~~ county grantee is solely or 34967  
partially responsible, as determined by the director of job and 34968  
family services, for an adverse audit finding, adverse quality 34969  
control finding, final disallowance of federal financial 34970  
participation, or other sanction or penalty regarding the family 34971  
services duty. 34972

(C) The department may take one or more of the following 34973  
actions against the responsible ~~entity~~ county grantee when 34974  
authorized by division (B)(1), (2), (3), or (4) of this section: 34975

(1) Require the responsible ~~entity~~ county grantee to comply 34976  
with a corrective action plan pursuant to a time schedule 34977  
specified by the department. The corrective action plan shall be 34978  
established or approved by the department and shall not require a 34979  
county ~~family services agency~~ grantee to commit resources to the 34980  
plan. 34981

(2) Require the responsible ~~entity~~ county grantee to comply 34982  
with a corrective action plan pursuant to a time schedule 34983  
specified by the department. The corrective action plan shall be 34984  
established or approved by the department and require a county 34985  
~~family services agency~~ grantee to commit to the plan existing 34986  
resources identified by the agency. 34987

(3) Require the responsible ~~entity~~ county grantee to do one 34988  
of the following: 34989

(a) Share with the department a final disallowance of federal 34990  
financial participation or other sanction or penalty; 34991

(b) Reimburse the department the final amount the department 34992  
pays to the federal government or another entity that represents 34993  
the amount the responsible ~~entity~~ county grantee is responsible 34994  
for of an adverse audit finding, adverse quality control finding, 34995

final disallowance of federal financial participation, or other 34996  
sanction or penalty issued by the federal government, auditor of 34997  
state, or other entity; 34998

(c) Pay the federal government or another entity the final 34999  
amount that represents the amount the responsible entity county 35000  
grantee is responsible for of an adverse audit finding, adverse 35001  
quality control finding, final disallowance of federal financial 35002  
participation, or other sanction or penalty issued by the federal 35003  
government, auditor of state, or other entity; 35004

(d) Pay the department the final amount that represents the 35005  
amount the responsible entity county grantee is responsible for of 35006  
an adverse audit finding or adverse quality control finding. 35007

(4) Impose an administrative sanction issued by the 35008  
department against the responsible entity county grantee. A 35009  
sanction may be increased if the department has previously taken 35010  
action against the responsible entity under this division. 35011

(5) Perform, or contract with a government or private entity 35012  
for the entity to perform, the family services duty until the 35013  
department is satisfied that the responsible entity county grantee 35014  
ensures that the duty will be performed satisfactorily. If the 35015  
department performs or contracts with an entity to perform a 35016  
family services duty under division (C)(5) of this section, the 35017  
department may do either or both of the following: 35018

(a) Spend funds in the county treasury appropriated by the 35019  
board of county commissioners for the duty; 35020

(b) Withhold funds allocated or reimbursements due to the 35021  
responsible entity county grantee for the duty and spend the funds 35022  
for the duty. 35023

(6) Request that the attorney general bring mandamus 35024  
proceedings to compel the responsible entity county grantee to 35025  
take or cease the action that causes division (B)(1), (2), (3), or 35026

(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.

(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.

(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.

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:

(1) A request for an administrative review shall state specifically all of the following:

(a) The proposed action specified in the notice from the department for which the review is requested;

(b) The reason why the responsible ~~entity~~ county grantee believes the proposed action is inappropriate;

(c) All facts and legal arguments that the responsible ~~entity~~ county grantee wants the department to consider;

(d) The name of the person who will serve as the responsible 35058  
~~entity's~~ county grantee's representative in the review. 35059

(2) If the department's notice specifies more than one 35060  
proposed action and the responsible ~~entity~~ county grantee does not 35061  
specify all of the proposed actions in its request pursuant to 35062  
division (D)(1)(a) of this section, the proposed actions not 35063  
specified in the request shall not be subject to administrative 35064  
review and the parts of the notice regarding those proposed 35065  
actions shall be final and binding on the responsible ~~entity~~ 35066  
county grantee. 35067

(3) In the case of a proposed action under division (C)(1) of 35068  
this section, the responsible ~~entity~~ county grantee shall have 35069  
fifteen calendar days after the department mails the notice to the 35070  
responsible ~~entity~~ county grantee to send a written request to the 35071  
department for an administrative review. If it receives such a 35072  
request within the required time, the department shall postpone 35073  
taking action under division (C)(1) of this section for fifteen 35074  
calendar days following the day it receives the request or 35075  
extended period of time provided for in division (D)(5) of this 35076  
section to allow a representative of the department and a 35077  
representative of the responsible ~~entity~~ county grantee an 35078  
informal opportunity to resolve any dispute during that 35079  
fifteen-day or extended period. 35080

(4) In the case of a proposed action under division (C)(2), 35081  
(3), (4), (5), or (7) of this section, the responsible ~~entity~~ 35082  
county grantee shall have thirty calendar days after the 35083  
department mails the notice to the responsible ~~entity~~ county 35084  
grantee to send a written request to the department for an 35085  
administrative review. If it receives such a request within the 35086  
required time, the department shall postpone taking action under 35087  
division (C)(2), (3), (4), (5), or (7) of this section for thirty 35088  
calendar days following the day it receives the request or 35089



extended period of time provided for in division (D)(5) of this 35090  
section to allow a representative of the department and a 35091  
representative of the responsible ~~entity~~ county grantee an 35092  
informal opportunity to resolve any dispute during that thirty-day 35093  
or extended period. 35094

(5) If the informal opportunity provided in division (D)(3) 35095  
or (4) of this section does not result in a written resolution to 35096  
the dispute within the fifteen- or thirty-day period, the director 35097  
of job and family services and representative of the responsible 35098  
~~entity~~ county grantee may enter into a written agreement extending 35099  
the time period for attempting an informal resolution of the 35100  
dispute under division (D)(3) or (4) of this section. 35101

(6) In the case of a proposed action under division (C)(3) of 35102  
this section, the responsible ~~entity~~ county grantee may not 35103  
include in its request disputes over a finding, final disallowance 35104  
of federal financial participation, or other sanction or penalty 35105  
issued by the federal government, auditor of state, or entity 35106  
other than the department. 35107

(7) If the responsible ~~entity~~ county grantee fails to request 35108  
an administrative review within the required time, the responsible 35109  
~~entity~~ county grantee loses the right to request an administrative 35110  
review of the proposed actions specified in the notice and the 35111  
notice becomes final and binding on the responsible ~~entity~~ county 35112  
grantee. 35113

(8) If the informal opportunity provided in division (D)(3) 35114  
or (4) of this section does not result in a written resolution to 35115  
the dispute within the time provided by division (D)(3), (4), or 35116  
(5) of this section, the director shall appoint an administrative 35117  
review panel to conduct the administrative review. The review 35118  
panel shall consist of department employees and one director or 35119  
other representative of the type of county family services agency 35120  
that is responsible for the kind of family services duty that is 35121

the subject of the dispute and serves a different county than the 35122  
county served by the responsible ~~entity~~ county grantee. No 35123  
individual involved in the department's proposal to take action 35124  
against the responsible ~~entity~~ county grantee may serve on the 35125  
review panel. The review panel shall review the responsible 35126  
~~entity's~~ county grantee's request. The review panel may require 35127  
that the department or responsible ~~entity~~ county grantee submit 35128  
additional information and schedule and conduct an informal 35129  
hearing to obtain testimony or additional evidence. A review of a 35130  
proposal to take action under division (C)(3) of this section 35131  
shall be limited solely to the issue of the amount the responsible 35132  
~~entity~~ county grantee shall share with the department, reimburse 35133  
the department, or pay to the federal government, department, or 35134  
other entity under division (C)(3) of this section. The review 35135  
panel is not required to make a stenographic record of its hearing 35136  
or other proceedings. 35137

(9) After finishing an administrative review, an 35138  
administrative review panel appointed under division (D)(8) of 35139  
this section shall submit a written report to the director setting 35140  
forth its findings of fact, conclusions of law, and 35141  
recommendations for action. The director may approve, modify, or 35142  
disapprove the recommendations. If the director modifies or 35143  
disapproves the recommendations, the director shall state the 35144  
reasons for the modification or disapproval and the actions to be 35145  
taken against the responsible ~~entity~~ county grantee. 35146

(10) The director's approval, modification, or disapproval 35147  
under division (D)(9) of this section shall be final and binding 35148  
on the responsible ~~entity~~ county grantee and shall not be subject 35149  
to further departmental review. 35150

(E) The responsible ~~entity~~ county grantee is not entitled to 35151  
an administrative review under division (D) of this section for 35152  
any of the following: 35153

(1) An action taken under division (C)(6) of this section;	35154
(2) An action taken under section 5101.242 of the Revised Code;	35155 35156
(3) An action taken under division (C)(3) of this section if the federal government, auditor of state, or entity other than the department has identified the <u>responsible</u> county <del>family services agency</del> <u>grantee</u> as being solely or partially responsible for an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty;	35157 35158 35159 35160 35161 35162 35163
(4) An adjustment to an allocation, cash draw, advance, or reimbursement to a <u>responsible</u> county <del>family services agency</del> <u>grantee</u> that the department determines necessary for budgetary reasons;	35164 35165 35166 35167
(5) Withholding of a cash draw or reimbursement due to noncompliance with a reporting requirement established in rules adopted under section 5101.243 of the Revised Code.	35168 35169 35170
(F) This section does not apply to other actions the department takes against the responsible <del>entity</del> <u>county grantee</u> pursuant to authority granted by another state law unless the other state law requires the department to take the action in accordance with this section.	35171 35172 35173 35174 35175
(G) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.	35176 35177 35178
<b>Sec. 5101.242.</b> The department of job and family services may certify a claim to the attorney general under section 131.02 of the Revised Code for the attorney general to take action under that section against a <u>responsible county grantee or</u> responsible entity to recover any funds that the department determines the	35179 35180 35181 35182 35183

responsible county grantee or responsible entity owes the 35184  
department for actions taken under division (C)(2), (3), (4), or 35185  
(5) of section 5101.24 or 5101.241 of the Revised Code. 35186

**Sec. 5101.244.** If ~~a county family services agency submits an~~ 35187  
~~expenditure report to~~ the department of job and family services 35188  
~~and the department subsequently~~ determines that a grant awarded to 35189  
a county grantee in a grant agreement entered into under section 35190  
5101.21 of the Revised Code, an allocation, advance, or 35191  
reimbursement the department makes to ~~the~~ a county family services 35192  
agency, or a cash draw ~~the~~ a county family services agency makes, 35193  
~~for an expenditure~~ exceeds the allowable amount for the 35194  
~~expenditure~~ grant, allocation, advance, reimbursement, or cash 35195  
draw, the department may adjust, offset, withhold, or reduce an 35196  
allocation, cash draw, advance, reimbursement, or other financial 35197  
assistance to the county grantee or county family services agency 35198  
as necessary to recover the amount of the excess grant, 35199  
allocation, advance, reimbursement, or cash draw. The department 35200  
is not required to make the adjustment, offset, withholding, or 35201  
reduction in accordance with section 5101.24 of the Revised Code. 35202

The director of job and family services may adopt rules under 35203  
section 111.15 of the Revised Code as necessary to implement this 35204  
section. The director shall adopt the rules as if they were 35205  
internal management rules. 35206

**Sec. 5101.26.** As used in this section and in sections 5101.27 35207  
to 5101.30 of the Revised Code: 35208

(A) "County agency" means a county department of job and 35209  
family services or a public children services agency. 35210

(B) "Fugitive felon" means an individual who is fleeing to 35211  
avoid prosecution, or custody or confinement after conviction, 35212  
under the laws of the place from which the individual is fleeing, 35213

for a crime or an attempt to commit a crime that is a felony under 35214  
the laws of the place from which the individual is fleeing or, in 35215  
the case of New Jersey, a high misdemeanor, regardless of whether 35216  
the individual has departed from the individual's usual place of 35217  
residence. 35218

(C) "Information" means records as defined in section 149.011 35219  
of the Revised Code, any other documents in any format, and data 35220  
derived from records and documents that are generated, acquired, 35221  
or maintained by the department of job and family services, a 35222  
county agency, or an entity performing duties on behalf of the 35223  
department or a county agency. 35224

(D) "Law enforcement agency" means the state highway patrol, 35225  
an agency that employs peace officers as defined in section 109.71 35226  
of the Revised Code, the adult parole authority, a county 35227  
department of probation, a prosecuting attorney, the attorney 35228  
general, similar agencies of other states, federal law enforcement 35229  
agencies, and postal inspectors. "Law enforcement agency" includes 35230  
the peace officers and other law enforcement officers employed by 35231  
the agency. 35232

(E) "Medical assistance provided under a public assistance 35233  
program" means medical assistance provided under the programs 35234  
established under sections 5101.49, 5101.50 to 5101.503, ~~and~~ 35235  
5101.51 to 5101.5110, and 5101.52 to 5101.529, Chapters 5111. and 35236  
5115., or any other provision of the Revised Code. 35237

(F) "Public assistance" means financial assistance, medical 35238  
assistance, or social services provided under a program 35239  
administered by the department of job and family services or a 35240  
county agency pursuant to Chapter 329., 5101., 5104., 5107., 35241  
5108., 5111., or 5115. of the Revised Code or an executive order 35242  
issued under section 107.17 of the Revised Code. 35243

(G) "Public assistance recipient" means an applicant for or 35244

recipient or former recipient of public assistance. 35245

**Sec. 5101.47.** (A) Except as provided in division (B) of this 35246  
section, the director of job and family services may accept 35247  
applications, determine eligibility, redetermine eligibility, and 35248  
perform related administrative activities for one or more of the 35249  
following: 35250

(1) The medicaid program established by Chapter 5111. of the 35251  
Revised Code; 35252

(2) The children's health insurance program parts I ~~and~~, II, 35253  
~~and III~~ provided for under sections 5101.50 ~~and~~, 5101.51, and 35254  
5101.52 of the Revised Code; 35255

(3) Publicly funded child care provided under Chapter 5104. 35256  
of the Revised Code; 35257

(4) The food stamp program administered by the department of 35258  
job and family services pursuant to section 5101.54 of the Revised 35259  
Code; 35260

(5) Other programs the director determines are supportive of 35261  
children, adults, or families; 35262

(6) Other programs regarding which the director determines 35263  
administrative cost savings and efficiency may be achieved through 35264  
the department accepting applications, determining eligibility, 35265  
redetermining eligibility, or performing related administrative 35266  
activities. 35267

(B) If federal law requires a face-to-face interview to 35268  
complete an eligibility determination for a program specified in 35269  
or pursuant to division (A) of this section, the face-to-face 35270  
interview shall not be conducted by the department of job and 35271  
family services. 35272

(C) Subject to division (B) of this section, if the director 35273  
elects to accept applications, determine eligibility, redetermine 35274

eligibility, and perform related administrative activities for a 35275  
program specified in or pursuant to division (A) of this section, 35276  
both of the following apply: 35277

(1) An individual seeking services under the program may 35278  
apply for the program to the director or to the entity that state 35279  
law governing the program authorizes to accept applications for 35280  
the program. 35281

(2) The director is subject to federal statutes and 35282  
regulations and state statutes and rules that require, permit, or 35283  
prohibit an action regarding accepting applications, determining 35284  
or redetermining eligibility, and performing related 35285  
administrative activities for the program. 35286

(D) The director may adopt rules as necessary to implement 35287  
this section. 35288

**Sec. 5101.50.** (A) As used in ~~this section and in~~ sections 35289  
~~5101.51~~ 5101.50 to ~~5101.5110~~ 5101.529 of the Revised Code: 35290

(1) "Children's health insurance program" means the program 35291  
authorized by Title XXI of the "Social Security Act," 111 Stat. 35292  
552 (1997), 42 U.S.C.A. 1397aa. 35293

(2) "Federal poverty guidelines" has the same meaning as in 35294  
section 5101.46 of the Revised Code. 35295

(B) The director of job and family services may continue to 35296  
operate the children's health insurance program initially 35297  
authorized by an executive order issued under section 107.17 of 35298  
the Revised Code as long as federal financial participation is 35299  
available for the program. If operated, the program shall provide 35300  
health assistance to uninsured individuals under nineteen years of 35301  
age with family incomes not exceeding one hundred fifty per cent 35302  
of the federal poverty guidelines. In accordance with 42 U.S.C.A. 35303  
1397aa, the director may provide for the health assistance to meet 35304

the requirements of 42 U.S.C.A. 1397cc, to be provided under the 35305  
medicaid program established under Chapter 5111. of the Revised 35306  
Code, or to be a combination of both. 35307

Sec. 5101.52. In accordance with federal law governing the 35308  
children's health insurance program, the director of job and 35309  
family services may submit a state child health plan to the United 35310  
States secretary of health and human services to provide, except 35311  
as provided in section 5101.526 of the Revised Code, health 35312  
assistance to uninsured individuals under nineteen years of age 35313  
with family incomes above two hundred per cent of the federal 35314  
poverty guidelines but not exceeding three hundred per cent of the 35315  
federal poverty guidelines. If the director submits the plan, the 35316  
director shall stipulate in the plan that the health assistance 35317  
will be available only while federal financial participation is 35318  
available for it and that health assistance shall not begin before 35319  
January 1, 2008. 35320

Sec. 5101.521. Health assistance provided under section 35321  
5101.52 of the Revised Code shall be known as the children's 35322  
health insurance program part III. 35323

Sec. 5101.522. If the director of job and family services 35324  
submits a state child health plan to the United States secretary 35325  
of health and human services under section 5101.52 of the Revised 35326  
Code and the secretary approves the plan, the director shall 35327  
implement the children's health insurance program part III in 35328  
accordance with the plan. The director may adopt rules in 35329  
accordance with Chapter 119. of the Revised Code as necessary for 35330  
the efficient administration of the program, including rules that 35331  
establish all of the following: 35332

(A) The conditions under which health assistance services 35333  
will be reimbursed; 35334



(B) The method of reimbursement applicable to services 35335  
reimbursable under the program; 35336

(C) The amount of reimbursement, or the method by which the 35337  
amount is to be determined, for each reimbursable service. 35338

**Sec. 5101.523.** The director of job and family services may 35339  
contract with a government entity or person to perform the 35340  
director's administrative duties regarding the children's health 35341  
insurance program part III, other than the duty to submit a state 35342  
child health plan to the United States secretary of health and 35343  
human services under section 5101.52 of the Revised Code and the 35344  
duty to adopt rules under section 5101.522 of the Revised Code. 35345

**Sec. 5101.524.** In accordance with 42 U.S.C. 1397aa, the 35346  
director of job and family services shall provide for health 35347  
assistance under the children's health insurance program part III 35348  
to meet the requirements of 42 U.S.C. 1397cc. 35349

**Sec. 5101.525.** The director of job and family services may 35350  
determine applicants' eligibility for the children's health 35351  
insurance program part III by any of the following means: 35352

(A) Using employees of the department of job and family 35353  
services; 35354

(B) Assigning the duty to county departments of job and 35355  
family services; 35356

(C) Contracting with a government entity or person. 35357

**Sec. 5101.526.** If the director of job and family services 35358  
determines that federal financial participation for the children's 35359  
health insurance program part III is insufficient to provide 35360  
health assistance to all the individuals the director anticipates 35361  
are eligible for the program, the director may refuse to accept 35362

new applications for the program or may make the program's 35363  
eligibility requirements more restrictive. 35364

Sec. 5101.527. To the extent permitted by 42 U.S.C. 35365  
1397cc(e), and to reflect appropriate parental responsibility and 35366  
deter the crowding out of private health insurance, the director 35367  
of job and family services shall require an individual receiving 35368  
health assistance under the children's health insurance program 35369  
part III to pay one or more of the following cost-sharing expenses 35370  
as a term of participation in the program: a premium, deductible, 35371  
coinsurance payment, copayment, or any other cost-sharing expense. 35372  
A cost-sharing expense required under this section shall be 35373  
established by rule adopted in accordance with Chapter 119. of the 35374  
Revised Code. 35375

Sec. 5101.528. The director of job and family services shall 35376  
establish an appeal process for individuals aggrieved by a 35377  
decision made regarding eligibility for the children's health 35378  
insurance program part III. The process may be identical to, 35379  
similar to, or different from the appeal process established by 35380  
section 5101.35 of the Revised Code. 35381

Sec. 5101.529. A completed application for the medicaid 35382  
program under Chapter 5111. of the Revised Code shall be treated 35383  
as an application for health assistance under the children's 35384  
health insurance program part III if the application is for an 35385  
assistance group that includes a child under nineteen years of age 35386  
and is denied. 35387

Sec. 5101.541. The food stamp program fund is hereby created 35388  
in the state treasury. The fund shall consist of federal 35389  
reimbursement for food stamp program administrative expenses and 35390  
other food stamp program expenses. The department of job and 35391

family services shall use the money credited to the fund to pay 35392  
for food stamp program administrative expenses and other food 35393  
stamp program expenses. 35394

**Sec. 5101.571.** As used in sections 5101.571 to ~~5101.59~~ 35395  
~~5101.591~~ of the Revised Code: 35396

(A) "Information" means all of the following: 35397

(1) An individual's name, address, date of birth, and social 35398  
security number; 35399

(2) The group or plan number, or other identifier, assigned 35400  
by a third party to a policy held by an individual or a plan in 35401  
which the individual participates and the nature of the coverage; 35402

(3) Any other data the director of job and family services 35403  
specifies in rules adopted under section 5101.591 of the Revised 35404  
Code. 35405

(B) "Medical assistance" means medical items or services 35406  
provided under any of the following: 35407

(1) Medicaid, as defined in section 5111.01 of the Revised 35408  
Code; 35409

(2) The children's health insurance program part I, part II, 35410  
and part III established under sections 5101.50 to 5101.529 of the 35411  
Revised Code; 35412

(3) The disability medical assistance program established 35413  
under Chapter 5115. of the Revised Code. 35414

(C) "Medical support" means support specified as support for 35415  
the purpose of medical care by order of a court or administrative 35416  
agency. 35417

~~(B) "Third party"~~ (D) "Public assistance" means medical 35418  
assistance or assistance under the Ohio works first program 35419  
established under Chapter 5107. of the Revised Code. 35420

(E)(1) Subject to division (E)(2) of this section, and except 35421  
as provided in division (E)(3) of this section, "third party" 35422  
means any health insurer as defined in section 3924.41 of the 35423  
Revised Code, individual, entity, or public or private program, 35424  
that is or may be liable to pay all or part of the medical cost of 35425  
injury, disease, or disability of an applicant or recipient. 35426  
"Third party" includes any such insurer, individual, entity, or 35427  
program that would have been obligated to pay for the service, 35428  
even when such third party limits or excludes payments in the case 35429  
of an individual who is eligible for medicaid. all of the 35430  
following: 35431

(a) A person authorized to engage in the business of sickness 35432  
and accident insurance under Title XXXIX of the Revised Code; 35433

(b) A person or governmental entity providing coverage for 35434  
medical services or items to individuals on a self-insurance 35435  
basis; 35436

(c) A health insuring corporation as defined in section 35437  
1751.01 of the Revised Code; 35438

(d) A group health plan as defined in 29 U.S.C. 1167; 35439

(e) A service benefit plan as referenced in 42 U.S.C. 35440  
1396a(a)(25); 35441

(f) A managed care organization; 35442

(g) A pharmacy benefit manager; 35443

(h) A third party administrator; 35444

(i) Any other person or governmental entity that is, by law, 35445  
contract, or agreement, responsible for the payment or processing 35446  
of a claim for a medical item or service for a public assistance 35447  
recipient or participant. 35448

(2) Except when otherwise provided by 42 U.S.C. 1395y(b), a 35449  
person or governmental entity listed in division (E)(1) of this 35450

section is a third party even if the person or governmental entity 35451  
limits or excludes payments for a medical item or service in the 35452  
case of a public assistance recipient. 35453

(3) "Third party" does not include the program for medically 35454  
handicapped children established under section 3701.023 of the 35455  
Revised Code. 35456

~~**Sec. 5101.572.** Upon the request of the department of job and~~ 35457  
~~family services, any (A) A third party as defined in section~~ 35458  
~~5101.571 of the Revised Code shall cooperate with the department~~ 35459  
~~of job and family services in identifying individuals for the~~ 35460  
~~purpose of establishing third party liability pursuant to Title~~ 35461  
~~XIX of the Social Security Act, as amended. The~~ 35462

(B) In furtherance of the requirement in division (A) of this 35463  
section and to allow the department to determine any period that 35464  
the individual or the individual's spouse or dependent may have 35465  
been covered by the third party and the nature of the coverage, a 35466  
third party shall provide, as the department so chooses, 35467  
information or access to information, or both, in the third 35468  
party's electronic data system on the department's request and in 35469  
accordance with division (C) of this section. 35470

(C)(1) If the department chooses to receive information 35471  
directly, the third party shall provide the information under all 35472  
of the following circumstances: 35473

(a) In a medium, format, and manner prescribed by the 35474  
director of job and family services in rules adopted under section 35475  
5101.591 of the Revised Code; 35476

(b) Free of charge; 35477

(c) Not later than the end of the thirtieth day after the 35478  
department makes its request, unless a different time is agreed to 35479  
by the director in writing. 35480

(2) If the department chooses to receive access to information, the third party shall provide access by a method prescribed by the director of job and family services in rules adopted under section 5101.591 of the Revised Code. In facilitating access, the department may enter into a trading partner agreement with the third party to permit the exchange of information via "ASC X 12N 270/271 Health Care Eligibility Benefit Inquiry and Response" transactions.

(D) All of the following apply with respect to information provided by a third party to the department under this section:

(1) The information is confidential and not a public record under section 149.43 of the Revised Code.

(2) The release of information to the department is not to be considered a violation of any right of confidentiality or contract that the third party may have with covered persons including, but not limited to, contractees, beneficiaries, heirs, assignees, and subscribers.

(3) The third party is immune from any liability that it may otherwise incur through its release of information to the department.

The department of job and family services shall limit its use of information gained from third parties to purposes directly connected with the administration of the medicaid program. ~~No~~

(E) No third party shall disclose to other parties or make use of any information regarding recipients of aid under Chapter 5107. or 5111. of the Revised Code that it obtains from the department of job and family services, except in the manner provided for by the director of job and family services in administrative rules. ~~Any information provided by a third party to the department of job and family services shall not be considered a violation of any right of confidentiality or contract that the~~

~~third party may have with covered persons including, but not 35512  
limited to, contractees, beneficiaries, heirs, assignees, and 35513  
subscribers. The third party is immune from any liability that it 35514  
may otherwise incur through its release of information to the 35515  
department of job and family services. 35516~~

Sec. 5101.573. (A) Subject to division (B) of this section, a 35517  
third party shall do all of the following: 35518

(1) Accept the department of job and family services' right 35519  
of recovery under section 5101.58 of the Revised Code and the 35520  
assignment of rights to the department that are described in 35521  
section 5101.59 of the Revised Code. 35522

(2) Respond to an inquiry by the department regarding a claim 35523  
for payment of a medical item or service that was submitted to the 35524  
third party not later than six years after the date of the 35525  
provision of such medical item or service; 35526

(3) Pay a claim described in division (A)(2) of this section; 35527

(4) Not deny a claim submitted by the department solely on 35528  
the basis of the date of submission of the claim, type or format 35529  
of the claim form, or a failure by the medical assistance 35530  
recipient who is the subject of the claim to present proper 35531  
documentation of coverage at the time of service, if both of the 35532  
following are true: 35533

(a) The claim was submitted by the department not later than 35534  
six years after the date of the provision of the medical item or 35535  
service; 35536

(b) An action by the department to enforce its right of 35537  
recovery under section 5101.58 of the Revised Code on the claim 35538  
was commenced not later than six years after the department's 35539  
submission of the claim. 35540

(B) For purposes of the requirements in division (A) of this 35541

section, a third party shall treat a managed care organization as 35542  
the department for a claim in which both of the following are 35543  
true: 35544

(1) The individual who is the subject of the claim received a 35545  
medical item or service through a managed care organization that 35546  
has entered into a contract with the department of job and family 35547  
services under section 5111.16 of the Revised Code; 35548

(2) The department has assigned its right of recovery for the 35549  
claim to the managed care organization. 35550

**Sec. 5101.574.** No third party shall consider whether an 35551  
individual is eligible for or receives medical assistance when 35552  
either of the following applies: 35553

(A) The individual seeks to obtain a policy or enroll in a 35554  
plan or program operated or administered by the third party; 35555

(B) The individual, or a person or governmental entity on the 35556  
individual's behalf, seeks payment for a medical item or service 35557  
provided to the individual. 35558

**Sec. 5101.575.** If a third party violates section 5101.572, 35559  
5101.573, or 5101.574 of the Revised Code, a governmental entity 35560  
that is responsible for issuing a license, certificate of 35561  
authority, registration, or approval that authorizes the third 35562  
party to do business in this state shall, in accordance with 35563  
Chapter 119. of the Revised Code, deny, revoke, or terminate, as 35564  
determined to be appropriate by the governmental entity, the 35565  
license, certificate, registration, or approval of the third 35566  
party. In addition, the attorney general may petition a court of 35567  
common pleas to enjoin the violation. 35568

**Sec. 5101.58.** As used in this section and section 5101.59 of 35569  
the Revised Code, "public assistance" means aid provided under 35570



~~Chapter 5111. or 5115. of the Revised Code and participation in 35571  
the Ohio works first program established under Chapter 5107. of 35572  
the Revised Code. 35573~~

(A) The acceptance of public assistance gives a an automatic 35574  
right of recovery to the department of job and family services and 35575  
a county department of job and family services against the 35576  
liability of a third party for the cost of medical ~~services and~~ 35577  
~~care arising out of injury, disease, or disability~~ assistance paid 35578  
on behalf of the public assistance recipient or participant. When 35579  
an action or claim is brought against a third party by a public 35580  
assistance recipient or participant, ~~the entire amount of any~~ 35581  
payment, settlement or compromise of the action or claim, or any 35582  
court award or judgment, is subject to the recovery right of the 35583  
department of job and family services or county department of job 35584  
and family services. Except in the case of a recipient or 35585  
participant who receives medical ~~services or care~~ assistance 35586  
through a managed care organization, the department's or county 35587  
department's claim shall not exceed the amount of medical ~~expenses~~ 35588  
assistance paid by ~~the departments~~ a department on behalf of the 35589  
recipient or participant. ~~In A payment, settlement, compromise,~~ 35590  
judgment, or award that excludes the cost of medical assistance 35591  
paid for by a department shall not preclude a department from 35592  
enforcing its rights under this section. 35593

(B) In the case of a recipient or participant who receives 35594  
medical ~~services or care~~ assistance through a managed care 35595  
organization, the amount of the department's or county 35596  
department's claim shall be the amount the managed care 35597  
organization pays for medical ~~services or care~~ assistance rendered 35598  
to the recipient or participant, even if that amount is more than 35599  
the amount ~~the departments pay~~ a department pays to the managed 35600  
care organization for the recipient's or participant's medical 35601  
~~services or care. Any settlement, compromise, judgment, or award~~ 35602

~~that excludes the cost of medical services or care shall not~~ 35603  
~~preclude the departments from enforcing their rights under this~~ 35604  
~~section assistance.~~ 35605

~~Prior to initiating any (C) A recipient or participant, and~~ 35606  
~~the recipient's or participant's attorney, if any, shall cooperate~~ 35607  
~~with the departments. In furtherance of this requirement, the~~ 35608  
~~recipient or participant, or the recipient's or participant's~~ 35609  
~~attorney, if any, shall, not later than thirty days after~~ 35610  
~~initiating informal recovery activity or filing a legal recovery~~ 35611  
~~action, the recipient or participant, or the recipient's or~~ 35612  
~~participant's representative, shall disclose against a third~~ 35613  
~~party, provide written notice of the activity or action to the~~ 35614  
~~appropriate department or departments as follows:~~ 35615

~~(1) To only the department of job and family services when~~ 35616  
~~medical assistance under medicaid has been paid;~~ 35617

~~(2) To the department of job and family services and the~~ 35618  
~~appropriate county department of job and family services when~~ 35619  
~~medical assistance under the disability medical assistance program~~ 35620  
~~or medical assistance under the nonfederal medical assistance~~ 35621  
~~program has been paid.~~ 35622

~~(D) The written notice that must be given under division (C)~~ 35623  
~~of this section shall disclose the identity and address of any~~ 35624  
~~third party against whom the recipient or participant has or may~~ 35625  
~~have a right of recovery. Disclosure shall be made to the~~ 35626  
~~department of job and family services when medical expenses have~~ 35627  
~~been paid pursuant to Chapter 5111. or 5115. of the Revised Code.~~ 35628  
~~Disclosure shall be made to both the department of job and family~~ 35629  
~~services and the appropriate county department of job and family~~ 35630  
~~services when medical expenses have been paid pursuant to Chapter~~ 35631  
~~5115. of the Revised Code. No~~ 35632

~~(E) No settlement, compromise, judgment, or award or any~~ 35633

recovery in any action or claim by a recipient or participant 35634  
where the departments have a right of recovery shall be made final 35635  
without first giving the appropriate departments written notice as 35636  
described in division (C) of this section and a reasonable 35637  
opportunity to perfect their rights of recovery. If the 35638  
departments are not given the appropriate written notice, the 35639  
recipient or participant ~~is~~ and, if there is one, the recipient's 35640  
or participant's attorney, are liable to reimburse the departments 35641  
for the recovery received to the extent of medical payments made 35642  
by the departments. ~~The~~ 35643

(F) The departments shall be permitted to enforce their 35644  
recovery rights against the third party even though they accepted 35645  
prior payments in discharge of their rights under this section if, 35646  
at the time the departments received such payments, they were not 35647  
aware that additional medical expenses had been incurred but had 35648  
not yet been paid by the departments. The third party becomes 35649  
liable to the department of job and family services or county 35650  
department of job and family services as soon as the third party 35651  
is notified in writing of the valid claims for recovery under this 35652  
section. 35653

~~The (G)(1) Subject to division (G)(2) of this section, the~~ 35654  
~~right of recovery of a department~~ does not apply to that portion 35655  
of any judgment, award, settlement, or compromise of a claim, to 35656  
the extent of attorneys' fees, costs, or other expenses incurred 35657  
by a recipient or participant in securing the judgment, award, 35658  
settlement, or compromise, or to the extent of medical, surgical, 35659  
and hospital expenses paid by such recipient or participant from 35660  
the recipient's or participant's own resources. ~~Attorney fees and~~ 35661  
~~costs or other expenses in securing any recovery shall not be~~ 35662  
~~assessed against any claims of the departments.~~ 35663

~~To~~ (2) Reasonable attorneys' fees, not to exceed one-third of 35664  
the total judgment, award, settlement, or compromise, plus costs 35665

and other expenses incurred by the recipient or participant in 35666  
securing the judgment, award, settlement, or compromise, shall 35667  
first be deducted from the total judgment, award, settlement, or 35668  
compromise. After fees, costs, and other expenses are deducted 35669  
from the total judgment, award, settlement, or compromise, the 35670  
department of job and family services or appropriate county 35671  
department of job and family services shall receive no less than 35672  
one-half of the remaining amount, or the actual amount of medical 35673  
assistance paid, whichever is less. 35674

(H) A right of recovery created by this section may be 35675  
enforced separately or jointly by the department of job and family 35676  
services or the appropriate county department of job and family 35677  
services. To enforce their recovery rights, the departments may do 35678  
any of the following: 35679

~~(A)~~(1) Intervene or join in any action or proceeding brought 35680  
by the recipient or participant or on the recipient's or 35681  
participant's behalf against any third party who may be liable for 35682  
the cost of medical ~~services and care arising out of the~~ 35683  
~~recipient's or participant's injury, disease, or disability~~ 35684  
~~assistance paid;~~ 35685

~~(B)~~(2) Institute and pursue legal proceedings against any 35686  
third party who may be liable for the cost of medical ~~services and~~ 35687  
~~care arising out of the recipient's or participant's injury,~~ 35688  
~~disease, or disability~~ assistance paid; 35689

~~(C)~~(3) Initiate legal proceedings in conjunction with ~~the~~ any 35690  
injured, diseased, or disabled recipient or participant or the 35691  
recipient's or participant's ~~legal~~ attorney or representative. 35692

~~Recovery rights created by this section may be enforced~~ 35693  
~~separately or jointly by the department of job and family services~~ 35694  
~~and the county department of job and family services.~~ 35695

(I) A recipient or participant shall not assess attorney 35696

fees, costs, or other expenses against the department of job and family services or a county department of job and family services when the department or county department enforces its right of recovery created by this section. 35697  
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(J) The right of recovery given to the department under this section does not include rights to support from any other person assigned to the state under sections 5107.20 and 5115.07 of the Revised Code, but includes payments made by a third party under contract with a person having a duty to support. 35701  
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~~The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code the department considers necessary to implement this section.~~ 35706  
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**Sec. 5101.59.** (A) The application for, or acceptance of, public assistance constitutes an automatic assignment of certain rights to the department of job and family services. This assignment includes the rights of the applicant, recipient, or participant and also the rights of any other member of the assistance group for whom the applicant, recipient, or participant can legally make an assignment. 35709  
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(B) Pursuant to this section, the applicant, recipient, or participant assigns to the department any rights to medical support available to the applicant, recipient, or participant or for other members of the assistance group under an order of a court or administrative agency, and any rights to payments ~~from any by a liable~~ third party liable to pay for the cost of medical care and services arising out of injury, disease, or disability of the applicant, recipient, participant, or other members of the ~~assistance group~~ assistance paid on behalf of a public assistance recipient or participant. The recipient or participant shall cooperate with the department in obtaining such payments. 35716  
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Medicare benefits shall not be assigned pursuant to this 35727

section. Benefits assigned to the department by operation of this 35728  
section are directly reimbursable to the department by liable 35729  
third parties. 35730

~~(B)~~(C) Refusal by the applicant, recipient, or participant to 35731  
cooperate in obtaining medical ~~support and payments~~ assistance 35732  
paid for self or any other member of the assistance group renders 35733  
the applicant, recipient, or participant ineligible for public 35734  
assistance, unless cooperation is waived by the department. 35735  
Eligibility shall continue for any individual who cannot legally 35736  
assign the individual's own rights and who would have been 35737  
eligible for public assistance but for the refusal to assign the 35738  
individual's rights or to cooperate as required by this section by 35739  
another person legally able to assign the individual's rights. 35740

(D) If the applicant, recipient, or participant or any member 35741  
of the assistance group becomes ineligible for public assistance, 35742  
the department shall restore to the applicant, recipient, 35743  
participant, or member of the assistance group any future rights 35744  
to benefits assigned under this section. 35745

(E) The rights of assignment given to the department under 35746  
this section do not include rights to support assigned under 35747  
section 5107.20 or 5115.07 of the Revised Code. 35748

~~(C) The director of job and family services may adopt rules 35749  
in accordance with Chapter 119. of the Revised Code to implement 35750  
this section, including rules that specify what constitutes 35751  
cooperating with efforts to obtain medical support and payments 35752  
and when the cooperation requirement may be waived. 35753~~

**Sec. 5101.591.** (A) Except as provided in division (B) of this 35754  
section, the director of job and family services may adopt rules 35755  
in accordance with Chapter 119. of the Revised Code to implement 35756  
sections 5101.571 to 5101.59 of the Revised Code, including rules 35757  
that specify what constitutes cooperating with efforts to obtain 35758

support or payments, or medical assistance payments, and when 35759  
cooperation may be waived. 35760

(B) The department shall adopt rules in accordance with 35761  
Chapter 119. of the Revised Code to do all of the following: 35762

(1) For purposes of the definition of "information" in 35763  
division (A) of section 5101.571 of the Revised Code, any data 35764  
other than the data specified in that division that should be 35765  
included in the definition. 35766

(2) For purposes of division (C)(1)(a) of section 5101.572 of 35767  
the Revised Code, the medium, format, and manner in which a third 35768  
party must provide information to the department. 35769

(3) For purposes of division (C)(2) of section 5101.572 of 35770  
the Revised Code, the method by which a third party must provide 35771  
the department with access to information. 35772

**Sec. 5101.802.** (A) As used in this section: 35773

(1) "Custodian," "guardian," and "minor child" have the same 35774  
meanings as in section 5107.02 of the Revised Code. 35775

(2) "Federal poverty guidelines" has the same meaning as in 35776  
section 5101.46 of the Revised Code. 35777

(3) "Kinship caregiver" has the same meaning as in section 35778  
5101.85 of the Revised Code. 35779

(B) Subject to division (E) of section 5101.801 of the 35780  
Revised Code, there is hereby created the kinship permanency 35781  
incentive program to promote permanency for a minor child in the 35782  
legal and physical custody of a kinship caregiver. The program 35783  
shall provide an initial one-time incentive payment to the kinship 35784  
caregiver to defray the costs of initial placement of the minor 35785  
child in the kinship caregiver's home. The program may provide 35786  
additional permanency incentive payments for the minor child at 35787  
six month intervals for a total period not to exceed thirty-six 35788

months. 35789

(C) A kinship caregiver may participate in the program if all 35790  
of the following requirements are met: 35791

(1) The kinship caregiver applies to a public children 35792  
services agency in accordance with the application process 35793  
established in rules authorized by division (E) of this section; 35794

~~(2) The minor child the kinship caregiver is caring for is a 35795  
child with special needs as that term is defined in rules adopted 35796  
under section 5153.163 of the Revised Code; 35797~~

~~(3) A Not earlier than July 1, 2005, a juvenile court has 35798  
adjudicated the minor child to be an abused, neglected, dependent, 35799  
or unruly child and determined that it is in the child's best 35800  
interest to be in the issues an order granting legal custody of to 35801  
the kinship caregiver, or the a probate court has determined that 35802  
it is in the child's best interest to be in the guardianship of 35803  
grants guardianship to the kinship caregiver, except that a 35804  
temporary court order is not sufficient to meet this requirement; 35805~~

~~(4)(3) The kinship caregiver is either the minor child's 35806  
custodian or guardian; 35807~~

~~(5)(4) The minor child resides with the kinship caregiver 35808  
pursuant to a placement approval process established in rules 35809  
authorized by division (E) of this section; 35810~~

~~(6) The(5) Excluding any income excluded under rules adopted 35811  
under division (E) of this section, the gross income of the 35812  
kinship caregiver's family, including the minor child, does not 35813  
exceed ~~two~~ three hundred per cent of the federal poverty 35814  
guidelines. 35815~~

(D) Public children services agencies shall make initial and 35816  
ongoing eligibility determinations for the kinship permanency 35817  
incentive program in accordance with rules authorized by division 35818



(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. 5101.98.** (A) There is hereby created in the state treasury the military injury relief fund, which shall consist of money contributed to it under section 5747.113 of the Revised Code, of incentive grants authorized by the "Jobs for Veterans Act," 116 Stat. 2033 (2002), and of contributions made directly to it. Any person or entity may contribute directly to the fund in addition to or independently of the income tax refund contribution system established in section 5747.113 of the Revised Code.

(B) Upon application, the director of job and family services 35848  
shall grant money in the fund to individuals injured while in 35849  
active service as a member of the armed forces of the United 35850  
States ~~and~~ while serving under operation Iraqi freedom or 35851  
operation enduring freedom and to individuals diagnosed with 35852  
post-traumatic stress disorder while serving, or after having 35853  
served, in operation Iraqi freedom or operation enduring freedom. 35854

(C) An individual who receives a grant under this section is 35855  
~~not~~ precluded from receiving ~~one or more~~ additional grants under 35856  
this section ~~and~~ during the same state fiscal year but is not 35857  
precluded from being considered for or receiving other assistance 35858  
offered by the department of job and family services. 35859

(D) The director shall adopt rules under Chapter 119. of the 35860  
Revised Code establishing: 35861

(1) Forms and procedures by which individuals may apply for a 35862  
grant under this section; 35863

(2) Criteria for reviewing, evaluating, and ~~ranking~~ approving 35864  
or denying grant applications; 35865

(3) Criteria for determining the amount of grants awarded 35866  
under this section; ~~and~~ 35867

(4) Definitions and standards applicable to determining 35868  
whether an individual meets the requirements established in 35869  
division (B) of this section; 35870

(5) The process for appealing eligibility determinations; and 35871

(6) Any other rules necessary to administer the grant program 35872  
established in this section. 35873

(E) An eligibility determination, a grant approval, or a 35874  
grant denial made under this section may not be appealed under 35875  
Chapter 119., section 5101.35, or any other provision of the 35876  
Revised Code. 35877

Sec. 5104.30. (A) The department of job and family services 35878  
is hereby designated as the state agency responsible for 35879  
administration and coordination of federal and state funding for 35880  
publicly funded child care in this state. Publicly funded child 35881  
care shall be provided to the following: 35882

(1) Recipients of transitional child care as provided under 35883  
section 5104.34 of the Revised Code; 35884

(2) Participants in the Ohio works first program established 35885  
under Chapter 5107. of the Revised Code; 35886

(3) Individuals who would be participating in the Ohio works 35887  
first program if not for a sanction under section 5107.16 of the 35888  
Revised Code and who continue to participate in a work activity, 35889  
developmental activity, or alternative work activity pursuant to 35890  
an assignment under section 5107.42 of the Revised Code; 35891

(4) A family receiving publicly funded child care on October 35892  
1, 1997, until the family's income reaches one hundred fifty per 35893  
cent of the federal poverty line; 35894

(5) Subject to available funds, other individuals determined 35895  
eligible in accordance with rules adopted under section 5104.38 of 35896  
the Revised Code. 35897

The department shall apply to the United States department of 35898  
health and human services for authority to operate a coordinated 35899  
program for publicly funded child care, if the director of job and 35900  
family services determines that the application is necessary. For 35901  
purposes of this section, the department of job and family 35902  
services may enter into agreements with other state agencies that 35903  
are involved in regulation or funding of child care. The 35904  
department shall consider the special needs of migrant workers 35905  
when it administers and coordinates publicly funded child care and 35906  
shall develop appropriate procedures for accommodating the needs 35907

of migrant workers for publicly funded child care. 35908

(B) The department of job and family services shall 35909  
distribute state and federal funds for publicly funded child care, 35910  
including appropriations of state funds for publicly funded child 35911  
care and appropriations of federal funds available under the child 35912  
care block grant act, Title IV-A, and Title XX. The department may 35913  
use any state funds appropriated for publicly funded child care as 35914  
the state share required to match any federal funds appropriated 35915  
for publicly funded child care. 35916

(C) In the use of federal funds available under the child 35917  
care block grant act, all of the following apply: 35918

(1) The department may use the federal funds to hire staff to 35919  
prepare any rules required under this chapter and to administer 35920  
and coordinate federal and state funding for publicly funded child 35921  
care. 35922

(2) Not more than five per cent of the aggregate amount of 35923  
the federal funds received for a fiscal year may be expended for 35924  
administrative costs. 35925

(3) The department shall allocate and use at least four per 35926  
cent of the federal funds for the following: 35927

(a) Activities designed to provide comprehensive consumer 35928  
education to parents and the public; 35929

(b) Activities that increase parental choice; 35930

(c) Activities, including child care resource and referral 35931  
services, designed to improve the quality, and increase the 35932  
supply, of child care; 35933

(d) Establishing a voluntary child care quality-rating 35934  
program in which participation in the program may allow a child 35935  
day-care center or type A or B family day-care home to be eligible 35936  
for grants, technical assistance, training, or other assistance 35937

and become eligible for unrestricted monetary awards for 35938  
maintaining a quality rating. 35939

(4) The department shall ensure that the federal funds will 35940  
be used only to supplement, and will not be used to supplant, 35941  
federal, state, and local funds available on the effective date of 35942  
the child care block grant act for publicly funded child care and 35943  
related programs. A county department of job and family services 35944  
may purchase child care from funds obtained through any other 35945  
means. 35946

(D) The department shall encourage the development of 35947  
suitable child care throughout the state, especially in areas with 35948  
high concentrations of recipients of public assistance and 35949  
families with low incomes. The department shall encourage the 35950  
development of suitable child care designed to accommodate the 35951  
special needs of migrant workers. On request, the department, 35952  
through its employees or contracts with state or community child 35953  
care resource and referral service organizations, shall provide 35954  
consultation to groups and individuals interested in developing 35955  
child care. The department of job and family services may enter 35956  
into interagency agreements with the department of education, the 35957  
board of regents, the department of development, and other state 35958  
agencies and entities whenever the cooperative efforts of the 35959  
other state agencies and entities are necessary for the department 35960  
of job and family services to fulfill its duties and 35961  
responsibilities under this chapter. 35962

The department shall develop and maintain a registry of 35963  
persons providing child care. The director shall adopt rules 35964  
pursuant to Chapter 119. of the Revised Code establishing 35965  
procedures and requirements for the registry's administration. 35966

(E)(1) The director shall adopt rules in accordance with 35967  
Chapter 119. of the Revised Code establishing both of the 35968  
following: 35969

(a) Reimbursement ceilings for providers of publicly funded child care;	35970 35971
(b) A procedure for reimbursing and paying providers of publicly funded child care.	35972 35973
(2) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director shall do all of the following:	35974 35975 35976
(a) Use the information obtained under division (B)(3) of section 5104.04 of the Revised Code;	35977 35978
(b) Establish an enhanced reimbursement ceiling for providers who provide child care for caretaker parents who work nontraditional hours;	35979 35980 35981
(c) For a type B family day-care home provider that has received limited certification pursuant to rules adopted under division (G)(1) of section 5104.011 of the Revised Code, establish a reimbursement ceiling that is the following:	35982 35983 35984 35985
(i) If the provider is a person described in division (G)(1)(a) of section 5104.011 of the Revised Code, seventy-five per cent of the reimbursement ceiling that applies to a type B family day-care home certified by the same county department of job and family services pursuant to section 5104.11 of the Revised Code;	35986 35987 35988 35989 35990 35991
(ii) If the provider is a person described in division (G)(1)(b) of section 5104.011 of the Revised Code, sixty per cent of the reimbursement ceiling that applies to a type B family day-care home certified by the same county department pursuant to section 5104.11 of the Revised Code.	35992 35993 35994 35995 35996
(3) In establishing reimbursement ceilings under division (E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:	35997 35998 35999

(a) Geographic location of the provider;	36000
(b) Type of care provided;	36001
(c) Age of the child served;	36002
(d) Special needs of the child served;	36003
(e) Whether the expanded hours of service are provided;	36004
(f) Whether weekend service is provided;	36005
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	36006 36007
(h) Any other factors the director considers appropriate.	36008
<u>(F) Not later than September 1, 2007, the director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the voluntary child care quality-rating program described in division (C)(3)(d) of this section.</u>	36009 36010 36011 36012
<b>Sec. 5107.02.</b> As used in this chapter:	36013
(A) "Adult" means an individual who is not a minor child.	36014
(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.	36015 36016 36017
(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.	36018 36019 36020 36021
(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.	36022 36023 36024 36025 36026 36027

(E) <u>"LEAP program" means the learning, earning, and parenting program conducted under section 5107.30 of the Revised Code.</u>	36028
	36029
<u>(F)</u> "Minor child" means either of the following:	36030
(1) An individual who has not attained age eighteen;	36031
(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.	36032
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<del>(F)</del> <u>(G)</u> "Minor head of household" means a minor child who is either of the following:	36035
	36036
(1) Is married, at least six months pregnant, and a member of an assistance group that does not include an adult;	36037
	36038
(2) Is married and is a parent of a child included in the same assistance group that does not include an adult.	36039
	36040
<del>(G)</del> <u>(H)</u> "Ohio works first" means the program established by this chapter known as temporary assistance for needy families in Title IV-A.	36041
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	36043
<del>(H)</del> <u>(I)</u> "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 under Ohio works first from state and federal funds.	36044
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<del>(I)</del> <u>(J)</u> "Specified relative" means the following individuals who are age eighteen or older:	36048
	36049
(1) The following individuals related by blood or adoption:	36050
(a) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";	36051
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(b) Siblings;	36053
(c) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";	36054
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(d) First cousins and first cousins once removed. 36057

(2) Stepparents and stepsiblings; 36058

(3) Spouses and former spouses of individuals named in 36059  
division ~~(I)~~(J)(1) or (2) of this section. 36060

~~(J)~~(K) "Title IV-A" or "Title IV-D" means Title IV-A or Title 36061  
IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 36062  
301, as amended. 36063

**Sec. 5107.03.** There is hereby established the Ohio works 36064  
first program. The department of job and family services shall 36065  
administer the program, as long as federal funds are provided for 36066  
the program, in accordance with Title IV-A, federal regulations, 36067  
state law, the Title IV-A state plan submitted to the United 36068  
States secretary of health and human services under section 36069  
5101.80 of the Revised Code, amendments to the plan, and federal 36070  
waivers granted by the United States secretary. 36071

~~The department shall make all cash assistance payments for 36072  
Ohio works first from funds appropriated for the Ohio works first 36073  
program. A county department of job and family services may use 36074  
county funds to increase the amount of cash assistance an 36075  
assistance group receives. An increase in the amount of cash 36076  
assistance that results from such a use of county funds shall not 36077  
be included as countable income, gross earned income, or gross 36078  
unearned income of the assistance group. 36079~~

**Sec. 5107.04.** As used in this section, "cost-of-living 36080  
adjustment" means the cost-of-living adjustment made by the United 36081  
States commissioner of social security under 42 U.S.C. 415(i) for 36082  
benefits provided under Title II of the "Social Security Act of 36083  
1935." 36084

The department of job and family services shall make all cash 36085  
assistance payments for Ohio works first from funds appropriated 36086

for the Ohio works first program. The amount of a cash assistance 36087  
payment the department is to make to an assistance group shall be 36088  
determined in accordance with rules adopted under section 5107.05 36089  
of the Revised Code and shall not exceed the payment standard. The 36090  
department shall increase the payment standard on January 1, 2009, 36091  
and the first day of each January thereafter by the cost-of-living 36092  
adjustment made in the immediately preceding December. 36093

A county department of job and family services may use county 36094  
funds to increase the amount of cash assistance an assistance 36095  
group receives. An increase in the amount of cash assistance that 36096  
results from such a use of county funds shall not be included as 36097  
countable income, gross earned income, or gross unearned income of 36098  
the assistance group. 36099

**Sec. 5107.05.** The director of job and family services shall 36100  
adopt rules to implement this chapter. The rules shall be 36101  
consistent with Title IV-A, Title IV-D, federal regulations, state 36102  
law, the Title IV-A state plan submitted to the United States 36103  
secretary of health and human services under section 5101.80 of 36104  
the Revised Code, amendments to the plan, and waivers granted by 36105  
the United States secretary. Rules governing eligibility, program 36106  
participation, and other applicant and participant requirements 36107  
shall be adopted in accordance with Chapter 119. of the Revised 36108  
Code. Rules governing financial and other administrative 36109  
requirements applicable to the department of job and family 36110  
services and county departments of job and family services shall 36111  
be adopted in accordance with section 111.15 of the Revised Code. 36112

(A) The rules shall specify, establish, or govern all of the 36113  
following: 36114

(1) A payment standard for Ohio works first based on federal 36115  
and state appropriations that is increased in accordance with 36116  
section 5107.04 of the Revised Code; 36117

(2) ~~The~~ For the purpose of section 5107.04 of the Revised Code, the method of determining the amount of cash assistance an assistance group receives under Ohio works first; 36118  
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(3) Requirements for initial and continued eligibility for Ohio works first, including requirements regarding income, citizenship, age, residence, and assistance group composition. ~~The rules regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of section 5107.10 of the Revised Code.;~~ 36121  
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(4) For the purpose of section 5107.12 of the Revised Code, application and verification procedures, including the minimum information an application must contain. ~~If there are at least two telephone numbers available that a county department of human services can call to contact members of an assistance group, which may include the telephone number of an individual who can contact an assistance group member for the county department, the minimum information shall include at least those two telephone numbers.;~~ 36127  
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(5) The extent to which a participant of Ohio works first must notify, pursuant to section 5107.12 of the Revised Code, a county department of job and family services of additional income not previously reported to the county department; 36135  
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(6) For the purpose of section 5107.16 of the Revised Code, standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract; 36139  
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(7) The department of job and family services providing written notice of a sanction under section 5107.161 of the Revised Code; 36143  
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~~(7)~~(8) Requirements for the collection and distribution of support payments owed participants of Ohio works first pursuant to section 5107.20 of the Revised Code; 36146  
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~~(8)(9)~~ For the purpose of section 5107.22 of the Revised Code, what constitutes cooperating in establishing a minor child's paternity or establishing, modifying, or enforcing a child support order and good cause for failure or refusal to cooperate. ~~The rule shall be consistent with 42 U.S.C.A. 654(29).~~;

~~(9)(10)~~ The requirements governing the LEAP program ~~provided for under section 5107.30 of the Revised Code~~, including the definitions of "equivalent of a high school diploma" and "good cause," and the incentives provided under the LEAP program;

~~(10)(11)~~ If the director implements section 5107.301 of the Revised Code, the requirements governing the award provided under that section, including the form that the award is to take and requirements an individual must satisfy to receive the award;

~~(11)(12)~~ Circumstances under which a county department of job and family services may exempt a minor head of household or adult from participating in a work activity or developmental activity for all or some of the weekly hours otherwise required by section 5107.43 of the Revised Code. ~~Circumstances shall include that a school or place of work is closed due to a holiday or weather or other emergency and that an employer grants the minor head of household or adult leave for illness or earned vacation.~~

~~(12)(13)~~ The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code.

(B) The rules adopted under division (A)(3) of this section regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of section 5107.10 of the Revised Code.

The rules adopted under division (A)(9) of this section shall be consistent with 42 U.S.C. 654(29).

The rules adopted under division (A)(12) of this section shall specify that the circumstances include that a school or place of work is closed due to a holiday or weather or other emergency and that an employer grants the minor head of household or adult leave for illness or earned vacation.

(C) The rules may provide that a county department of job and family services is not required to take action under section 5107.76 of the Revised Code to recover an erroneous payment that is below an amount the department specifies.

**Sec. 5107.10.** (A) As used in this section:

(1) "Countable income," "gross earned income," and "gross unearned income" have the meanings established in rules adopted under section 5107.05 of the Revised Code.

(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code, except that references to a person's family in the definition shall be deemed to be references to the person's assistance group.

(3) "Gross income" means gross earned income and gross unearned income.

~~(4) "Initial eligibility threshold" means the higher of the following:~~

~~(a) Fifty per cent of the federal poverty guidelines;~~

~~(b) The gross income maximum for initial eligibility for Ohio works first as that maximum was set by division (D)(1)(a) of this section on the day before the effective date of this amendment.~~

~~(5) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and~~

other conditions of employment. "Strike" does not include a 36210  
stoppage of work by employees in good faith because of dangerous 36211  
or unhealthful working conditions at the place of employment that 36212  
are abnormal to the place of employment. 36213

(B) Under the Ohio works first program, an assistance group 36214  
shall receive, except as otherwise provided by this chapter, 36215  
time-limited cash assistance. In the case of an assistance group 36216  
that includes a minor head of household or adult, assistance shall 36217  
be provided in accordance with the self-sufficiency contract 36218  
entered into under section 5107.14 of the Revised Code. 36219

(C) To be eligible to participate in Ohio works first, an 36220  
assistance group must meet all of the following requirements: 36221

(1) The assistance group, except as provided in division (E) 36222  
of this section, must include at least one of the following: 36223

(a) A minor child who, except as provided in section 5107.24 36224  
of the Revised Code, resides with a parent, or specified relative 36225  
caring for the child, or, to the extent permitted by Title IV-A 36226  
and federal regulations adopted until Title IV-A, resides with a 36227  
guardian or custodian caring for the child; 36228

(b) A parent residing with and caring for the parent's minor 36229  
child who receives supplemental security income under Title XVI of 36230  
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 36231  
as amended, or federal, state, or local adoption assistance; 36232

(c) A specified relative residing with and caring for a minor 36233  
child who is related to the specified relative in a manner that 36234  
makes the specified relative a specified relative and receives 36235  
supplemental security income or federal, state, or local foster 36236  
care or adoption assistance; 36237

(d) A woman at least six months pregnant. 36238

(2) The assistance group must meet the income requirements 36239

established by division (D) of this section. 36240

(3) No member of the assistance group may be involved in a 36241  
strike. 36242

(4) The assistance group must satisfy the requirements for 36243  
Ohio works first established by this chapter and sections 5101.58, 36244  
5101.59, and 5101.83 of the Revised Code. 36245

(5) The assistance group must meet requirements for Ohio 36246  
works first established by rules adopted under section 5107.05 of 36247  
the Revised Code. 36248

(D)(1) Except as provided in division (D)(4) of this section, 36249  
to determine whether an assistance group is initially eligible to 36250  
participate in Ohio works first, a county department of job and 36251  
family services shall do the following: 36252

(a) Determine whether the assistance group's gross income 36253  
exceeds ~~the initial eligibility threshold~~ fifty per cent of the 36254  
federal poverty guidelines. In making this determination, the 36255  
county department shall disregard amounts that federal statutes or 36256  
regulations and sections 5101.17 and 5117.10 of the Revised Code 36257  
require be disregarded. The assistance group is ineligible to 36258  
participate in Ohio works first if the assistance group's gross 36259  
income, less the amounts disregarded, exceeds ~~the initial~~ 36260  
~~eligibility threshold~~ fifty per cent of the federal poverty 36261  
guidelines. 36262

(b) If the assistance group's gross income, less the amounts 36263  
disregarded pursuant to division (D)(1)(a) of this section, does 36264  
not exceed ~~the initial eligibility threshold~~ fifty per cent of the 36265  
federal poverty guidelines, determine whether the assistance 36266  
group's countable income is less than the payment standard. The 36267  
assistance group is ineligible to participate in Ohio works first 36268  
if the assistance group's countable income equals or exceeds the 36269  
payment standard. 36270

(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 36303  
months; 36304

(b) Informs the county department at the end of each of the 36305  
first five months after the agency removes the children that the 36306  
parent, guardian, custodian, or specified relative of the children 36307  
is cooperating with the case plans prepared for the children under 36308  
section 2151.412 of the Revised Code and that the agency is making 36309  
reasonable efforts to return the children to the assistance group. 36310

(2) An assistance group may continue to participate in Ohio 36311  
works first pursuant to division (E)(1) of this section for not 36312  
more than six payment months. This division does not affect the 36313  
eligibility of an assistance group that includes a woman at least 36314  
six months pregnant. 36315

**Sec. 5107.12.** An assistance group seeking to participate in 36316  
the Ohio works first program shall apply to a county department of 36317  
job and family services using an application containing 36318  
information the director of job and family services requires 36319  
pursuant to rules adopted under section 5107.05 of the Revised 36320  
Code and any additional information the county department 36321  
requires. If cash assistance under the program is to be paid by 36322  
the director of budget and management through the medium of direct 36323  
deposit as provided by section 329.03 of the Revised Code, the 36324  
application shall be accompanied by information the director needs 36325  
to make direct deposits. 36326

When a county department receives an application for 36327  
participation in Ohio works first, it shall promptly make an 36328  
investigation and record of the circumstances of the applicant in 36329  
order to ascertain the facts surrounding the application and to 36330  
obtain such other information as may be required. Upon the 36331  
completion of the investigation, the county department shall 36332  
determine as soon as possible whether the applicant is eligible to 36333

participate, the amount of cash assistance the applicant should 36334  
receive, and the approximate date when participation shall begin. 36335  
The county department shall not delay making the determination of 36336  
whether the applicant is eligible to participate on the basis that 36337  
the individuals required by section 5107.14 of the Revised Code to 36338  
enter into a written self-sufficiency contract with the county 36339  
department have not yet done that. The amount of cash assistance 36340  
so determined shall be certified to the department of job and 36341  
family services in such form as the department shall prescribe. 36342  
Warrants, direct deposits, or debit cards shall be delivered or 36343  
made payable in the manner the department may prescribe. 36344

To the extent required by rules adopted under section 5107.05 36345  
of the Revised Code, a participant of Ohio works first shall 36346  
notify the county department immediately upon the receipt or 36347  
possession of additional income not previously reported to the 36348  
county department. Any failure to so notify a county department 36349  
shall be regarded as prima-facie evidence of an intent to defraud. 36350

**Sec. 5107.14.** (A) An assistance group is ineligible to 36351  
participate in Ohio works first unless ~~the minor head of household~~ 36352  
~~or each adult member of the assistance group, not later than~~ 36353  
~~thirty days after applying for or undergoing a redetermination of~~ 36354  
~~eligibility for the program,~~ enters the following enter into a 36355  
written self-sufficiency contract with the county department of 36356  
job and family services not later than thirty days after the 36357  
assistance group applies for or undergoes a redetermination of 36358  
eligibility for the program: 36359

(1) Each adult member of the assistance group; 36360

(2) The assistance group's minor head of household unless the 36361  
minor head of household is participating in the LEAP program. The 36362

(B) A self-sufficiency contract shall set forth the rights 36363  
and responsibilities of the assistance group as applicants for and 36364

~~participants of the program, including work responsibilities 36365  
established under sections 5107.40 to 5107.69 of the Revised Code 36366  
and other requirements designed to assist the assistance group in 36367  
achieving self sufficiency and personal responsibility. The county 36368  
department shall provide without charge a copy of the contract to 36369  
each assistance group member who signs it. 36370~~

~~Each Ohio works first. Each self-sufficiency contract shall 36371  
include, based on appraisals conducted under section 5107.41 of 36372  
the Revised Code and assessments conducted under section 5107.70 36373  
of the Revised Code, the following: 36374~~

~~(A)(1) The assistance group's plan, developed under section 36375  
5107.41 of the Revised Code, to achieve the goal of self 36376  
sufficiency and personal responsibility through unsubsidized 36377  
employment within the time limit for participating in Ohio works 36378  
first established by section 5107.18 of the Revised Code; 36379~~

~~(B)(2) Work activities, developmental activities, and 36380  
alternative work activities to which members of the assistance 36381  
group are assigned under sections 5107.40 to 5107.69 of the 36382  
Revised Code; 36383~~

~~(C)(3) The responsibility of a caretaker member of the 36384  
assistance group to cooperate in establishing a minor child's 36385  
paternity and establishing, modifying, and enforcing a support 36386  
order for the child in accordance with section 5107.22 of the 36387  
Revised Code; 36388~~

~~(D)(4) Other responsibilities that members of the assistance 36389  
group must satisfy to participate in Ohio works first and the 36390  
consequences for failure or refusal to satisfy the 36391  
responsibilities; 36392~~

~~(E)(5) An agreement that the assistance group will comply 36393  
with the conditions of participating in Ohio works first 36394  
established by this chapter and sections 5101.58, 5101.59, and 36395~~

5101.83 of the Revised Code;	36396
<del>(F)</del> (6) Assistance and services the county department will provide to the assistance group;	36397 36398
<del>(G)</del> (7) Assistance and services the child support enforcement agency and public children services agency will provide to the assistance group pursuant to a plan of cooperation entered into under section 307.983 of the Revised Code;	36399 36400 36401 36402
<del>(H)</del> (8) Other provisions designed to assist the assistance group in achieving self sufficiency and personal responsibility;	36403 36404
<del>(I)</del> (9) Procedures for assessing whether responsibilities are being satisfied and whether the contract should be amended;	36405 36406
<del>(J)</del> (10) Procedures for amending the contract.	36407
<u>(C) No self-sufficiency contract shall include provisions regarding the LEAP program.</u>	36408 36409
<u>(D) The county department shall provide without charge a copy of the self-sufficiency contract to each assistance group member who signs it.</u>	36410 36411 36412
<b>Sec. 5107.16.</b> (A) If a member of an assistance group fails or refuses, without good cause, to comply in full with a provision of a self-sufficiency contract entered into under section 5107.14 of the Revised Code, a county department of job and family services shall sanction the assistance group as follows:	36413 36414 36415 36416 36417
(1) For a first failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for one payment month <del>or until the failure or refusal ceases, whichever is longer;</del>	36418 36419 36420 36421
(2) For a second failure or refusal, the county department shall deny or terminate the assistance group's eligibility to participate in Ohio works first for three payment months <del>or until</del>	36422 36423 36424

~~the failure or refusal ceases, whichever is longer;~~ 36425

(3) For a third or subsequent failure or refusal, the county 36426  
department shall deny or terminate the assistance group's 36427  
eligibility to participate in Ohio works first for six payment 36428  
months ~~or until the failure or refusal ceases, whichever is~~ 36429  
~~longer.~~ 36430

(B) ~~Each county department~~ The director of job and family 36431  
services shall establish standards for the determination of good 36432  
cause for failure or refusal to comply in full with a provision of 36433  
a self-sufficiency contract in rules adopted under section 5107.05 36434  
of the Revised Code. 36435

~~(1) In the case of a failure or refusal to participate in a~~ 36436  
~~work activity, developmental activity, or alternative work~~ 36437  
~~activity under sections 5107.40 to 5107.69 of the Revised Code,~~ 36438  
~~good cause shall include, except as provided in division (B)(2) of~~ 36439  
~~this section, the following:~~ 36440

~~(a) Failure of the county department to place the member in~~ 36441  
~~an activity;~~ 36442

~~(b) Failure of the county department to provide for the~~ 36443  
~~assistance group to receive support services the county department~~ 36444  
~~determines under section 5107.66 of the Revised Code to be~~ 36445  
~~necessary. In determining whether good cause exists, a county~~ 36446  
~~department shall determine that day care is a necessary support~~ 36447  
~~service if a single custodial parent caring for a minor child~~ 36448  
~~under age six proves a demonstrated inability, as determined by~~ 36449  
~~the county department, to obtain needed child care for one or more~~ 36450  
~~of the following reasons:~~ 36451

~~(i) Unavailability of appropriate child care within a~~ 36452  
~~reasonable distance from the parent's home or work site;~~ 36453

~~(ii) Unavailability or unsuitability of informal child care~~ 36454  
~~by a relative or under other arrangements;~~ 36455

~~(iii) Unavailability of appropriate and affordable formal child care arrangements.~~ 36456  
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~~(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.~~ 36458  
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~~(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.~~ 36462  
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~~(D) After sanctioning an assistance group under division (A) of this section, a county department of job and family services shall continue to work with the 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.~~ 36472  
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~~(E)(D)~~ An adult eligible for ~~medical assistance~~ medicaid 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 failure or refusal, without good cause, to comply in full with a provision of a self-sufficiency contract related to work responsibilities under sections 5107.40 to 5107.69 of the Revised Code loses eligibility for ~~medical assistance~~ medicaid unless the adult is otherwise eligible for ~~medical assistance~~ medicaid pursuant to another division of section 5111.01 of the Revised 36479  
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Code. 36488

~~(F)~~ An assistance group that would be participating in Ohio works first if not for a sanction under this section shall continue to be eligible for all of the following:

(1) Publicly funded child care in accordance with division (A)(3) of section 5104.30 of the Revised Code;

(2) Support services in accordance with section 5107.66 of the Revised Code;

(3) To the extent permitted by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.~~A-~~ 201, as amended, to participate in work activities, developmental activities, and alternative work activities in accordance with sections 5107.40 to 5107.69 of the Revised Code.

**Sec. 5107.17.** An assistance group that resumes participation in Ohio works first following a sanction under section 5107.16 of the Revised Code is not required to do either of the following:

(A) Reapply under section 5107.12 of the Revised Code, unless it is the assistance group's regularly scheduled time for an eligibility redetermination;

(B) Enter into a new self-sufficiency contract under section 5107.14 of the Revised Code, unless the county department of job and family services determines it is time for a new appraisal under section 5107.41 of the Revised Code or the assistance group's circumstances have changed in a manner necessitating an amendment to the self-sufficiency contract as determined using procedures included in the contract under division ~~(F)~~(B)(9) of section 5107.14 of the Revised Code.

**Sec. 5107.281.** A participant of Ohio works first who is enrolled in a school district in a county that is participating in

the learnfare program and is not younger than age six but not 36517  
older than age nineteen shall participate in the learnfare program 36518  
unless one of the following is the case: 36519

(A) The participant is not yet eligible for enrollment in 36520  
first grade; 36521

(B) The participant is subject to the LEAP program ~~under~~ 36522  
~~section 5107.30 of the Revised Code;~~ 36523

(C) The participant has received one of the following: 36524

(1) A high school diploma; 36525

(2) A certificate stating that the participant has achieved 36526  
the equivalent of a high school education as measured by scores 36527  
obtained on the tests of general educational development as 36528  
published by the American council on education. 36529

(D) The participant has been excused from school attendance 36530  
pursuant to section 3321.04 of the Revised Code; 36531

(E) If child care services for a member of the participant's 36532  
household are necessary for the participant to attend school, 36533  
child care licensed or certified under Chapter 5104. of the 36534  
Revised Code or under sections 3301.52 to 3301.59 of the Revised 36535  
Code and transportation to and from the child care are not 36536  
available; 36537

(F) The participant has been adjudicated a delinquent or 36538  
unruly child pursuant to section 2151.28 of the Revised Code. 36539

**Sec. 5107.30.** (A) As used in this section: 36540

(1) "Equivalent of a high school diploma" and "good cause" 36541  
have the meanings established in rules adopted under section 36542  
5107.05 of the Revised Code. 36543

(2) ~~"LEAP program" means the learning, earning, and parenting~~ 36544  
~~program.~~ 36545



~~(3)~~ "Participating teen" means an individual to whom all of the following apply:

(a) The individual is a participant of Ohio works first;

(b) The individual is under age eighteen or is age eighteen and in school and is a natural or adoptive parent or is pregnant;

(c) The individual is subject to the LEAP program's requirements.

~~(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.

(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.

Every participating teen shall attend school in accordance with the requirements governing the LEAP program unless the participating teen shows good cause for not attending school. The department shall provide, in addition to the cash assistance payment provided under Ohio works first, an incentive payment, in an amount determined by the department, to every participating teen who attends school in accordance with the requirements governing the LEAP program. In addition to the incentive payment, the department may provide other incentives to participating teens who attend school in accordance with the LEAP program's requirements. The department shall reduce the cash assistance payment, in an amount determined by the department, under Ohio works first to every participating teen who fails or refuses, without good cause, to meet the LEAP program's requirements.

Every participating teen shall enter into a written agreement with the county department of job and family services that specifies all of the following:

(1) The participating teen, to be eligible to receive the 36577  
incentive payment and other incentives, if any, under this 36578  
section, must meet the requirements of the LEAP program. 36579

(2) The incentive payment and other incentives, if any, will 36580  
be provided if the participating teen meets the requirements of 36581  
the LEAP program. 36582

(3) The participating teen's cash assistance payment under 36583  
Ohio works first will be reduced if the participating teen fails 36584  
or refuses without good cause to attend school in accordance with 36585  
the requirements governing the LEAP program. 36586

(C) A minor head of ~~household who is participating~~ 36587  
household's participation in the LEAP program shall be ~~considered~~ 36588  
~~to be participating in a work activity for the purpose of sections~~ 36589  
~~5107.40 to 5107.69~~ counted in determining whether a county 36590  
department of job and family services meets the requirement of 36591  
section 5107.44 of the Revised Code. ~~However, the minor head of~~ 36592  
~~household is not subject to the requirements or sanctions of those~~ 36593  
~~sections.~~ 36594

(D) Subject to the availability of funds, county departments 36595  
of job and family services shall provide for participating teens 36596  
to receive support services the county department determines to be 36597  
necessary for LEAP participation. Support services may include 36598  
publicly funded child care under Chapter 5104. of the Revised 36599  
Code, transportation, and other services. 36600

**Sec. 5107.36.** An individual is ~~not eligible to participate in~~ 36601  
ineligible for assistance under Ohio works first if either of the 36602  
following apply: 36603

(A) The individual is a fugitive felon as defined in section 36604  
5101.20 of the Revised Code; 36605

(B) The individual is violating a condition of probation, a 36606

community control sanction, parole, or a post-release control 36607  
sanction imposed under federal or state law. 36608

**Sec. 5107.41.** As soon as possible after an assistance group 36609  
submits an application to participate in Ohio works first, the 36610  
county department of job and family services that receives the 36611  
application shall schedule and conduct an appraisal of each member 36612  
of the assistance group who is a minor head of household or adult, 36613  
other than a minor head of household participating in the LEAP 36614  
program. The appraisal may include an evaluation of the 36615  
employment, educational, physiological, and psychological 36616  
abilities or liabilities, or both, of the minor head of household 36617  
or adult. At the appraisal, the county department shall develop 36618  
with the minor head of household or adult a plan for the 36619  
assistance group to achieve the goal of self sufficiency and 36620  
personal responsibility through unsubsidized employment within the 36621  
time limit for participating in the Ohio works first program 36622  
established by section 5107.18 of the Revised Code. The plan shall 36623  
include assignments to one or more work activities, developmental 36624  
activities, or alternative work activities in accordance with 36625  
section 5107.42 of the Revised Code. The county department shall 36626  
include the plan in the self-sufficiency contract entered into 36627  
under section 5107.14 of the Revised Code. 36628

The county department shall conduct more appraisals of the 36629  
minor head of household or adult at times the county department 36630  
determines. 36631

If the minor head of household or adult claims to have a 36632  
medically determinable physiological or psychological impairment, 36633  
illness, or disability, the county department may require that the 36634  
minor head of household or adult undergo an independent medical or 36635  
psychological examination at a time and place reasonably 36636  
convenient to the minor head of household or adult. 36637

Sec. 5107.42. (A) Except as provided in divisions (B) and (C) 36638  
of this section, county departments of job and family services 36639  
shall assign each minor head of household and adult participating 36640  
in Ohio works first, other than a minor head of household 36641  
participating in the LEAP program, to one or more work activities 36642  
and developmental activities. 36643

If a county department assigns a minor head of household or 36644  
adult to the work activity established under division (H) of 36645  
section 5107.60 of the Revised Code, the county department shall 36646  
make reasonable efforts to assign the minor head of household or 36647  
adult to at least one other work activity at the same time. If a 36648  
county department assigns a minor head of household or adult to 36649  
the work activity established under section 5107.58 of the Revised 36650  
Code, the county department shall assign the minor head of 36651  
household or adult to at least one other work activity at the same 36652  
time. 36653

A county department may not assign a minor head of household 36654  
or adult to a work activity established under division (D) of 36655  
section 5107.60 of the Revised Code for more than twelve months. 36656

(B) If a county department determines that a minor head of 36657  
household or adult has a temporary or permanent barrier to 36658  
participation in a work activity, it may assign the minor head of 36659  
household or adult to one or more alternative work activities 36660  
instead of assigning the minor head of household or adult to one 36661  
or more work activities or developmental activities. A county 36662  
department may not assign more than twenty per cent of minor heads 36663  
of household and adults participating in Ohio works first to an 36664  
alternative work activity. 36665

County departments shall establish standards for determining 36666  
whether a minor head of household or adult has a temporary or 36667  
permanent barrier to participating in a work activity. The 36668

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 when the county department determines  
reassignment will aid the assistance group in achieving self  
sufficiency and personal responsibility and shall make  
reassignments when circumstances requiring reassignment occur,

including when a temporary barrier to participating in a work 36700  
activity is eliminated. 36701

A county department shall include assignments in the 36702  
self-sufficiency contract entered into under section 5107.14 of 36703  
the Revised Code and shall amend the contract when a reassignment 36704  
is made to include the reassignment in the contract. 36705

**Sec. 5111.01.** As used in this chapter, "medical assistance 36706  
program" or "medicaid" means the program that is authorized by 36707  
this chapter and provided by the department of job and family 36708  
services under this chapter, Title XIX of the "Social Security 36709  
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, and the 36710  
waivers of Title XIX requirements granted to the department by the 36711  
~~health care financing administration centers for medicare and~~ 36712  
medicaid services of the United States department of health and 36713  
human services. 36714

The department of job and family services shall act as the 36715  
single state agency to supervise the administration of the 36716  
medicaid program. As the single state agency, the department shall 36717  
comply with 42 C.F.R. 431.10(e). The department's rules governing 36718  
medicaid are binding on other agencies that administer components 36719  
of the medicaid program. No agency may establish, by rule or 36720  
otherwise, a policy governing medicaid that is inconsistent with a 36721  
medicaid policy established, in rule or otherwise, by the director 36722  
of job and family services. 36723

(A) The department of job and family services may provide 36724  
medical assistance under the medicaid program as long as federal 36725  
funds are provided for such assistance, to the following: 36726

(1) Families with children that meet either of the following 36727  
conditions: 36728

(a) The family meets the income, resource, and family 36729

composition requirements in effect on July 16, 1996, for the 36730  
former aid to dependent children program as those requirements 36731  
were established by Chapter 5107. of the Revised Code, federal 36732  
waivers granted pursuant to requests made under former section 36733  
5101.09 of the Revised Code, and rules adopted by the department 36734  
or any changes the department makes to those requirements in 36735  
accordance with paragraph (a)(2) of section 114 of the "Personal 36736  
Responsibility and Work Opportunity Reconciliation Act of 1996," 36737  
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 36738  
implementing section 5111.019 of the Revised Code. An adult loses 36739  
eligibility for medical assistance under division (A)(1)(a) of 36740  
this section pursuant to division ~~(E)~~(D) of section 5107.16 of the 36741  
Revised Code. 36742

(b) The family does not meet the requirements specified in 36743  
division (A)(1)(a) of this section but is eligible for medical 36744  
assistance pursuant to section 5101.18 of the Revised Code. 36745

(2) Aged, blind, and disabled persons who meet the following 36746  
conditions: 36747

(a) Receive federal aid under Title XVI of the "Social 36748  
Security Act," or are eligible for but are not receiving such aid, 36749  
provided that the income from all other sources for individuals 36750  
with independent living arrangements shall not exceed one hundred 36751  
seventy-five dollars per month. The income standards hereby 36752  
established shall be adjusted annually at the rate that is used by 36753  
the United States department of health and human services to 36754  
adjust the amounts payable under Title XVI. 36755

(b) Do not receive aid under Title XVI, but meet any of the 36756  
following criteria: 36757

(i) Would be eligible to receive such aid, except that their 36758  
income, other than that excluded from consideration as income 36759  
under Title XVI, exceeds the maximum under division (A)(2)(a) of 36760

this section, and incurred expenses for medical care, as 36761  
determined under federal regulations applicable to section 209(b) 36762  
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 36763  
U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which 36764  
their income exceeds the maximum under division (A)(2)(a) of this 36765  
section; 36766

(ii) Received aid for the aged, aid to the blind, or aid for 36767  
the permanently and totally disabled prior to January 1, 1974, and 36768  
continue to meet all the same eligibility requirements; 36769

(iii) Are eligible for medical assistance pursuant to section 36770  
5101.18 of the Revised Code. 36771

(3) Persons to whom federal law requires, as a condition of 36772  
state participation in the medicaid program, that medical 36773  
assistance be provided; 36774

(4) Persons under age twenty-one who meet the income 36775  
requirements for the Ohio works first program established under 36776  
Chapter 5107. of the Revised Code but do not meet other 36777  
eligibility requirements for the program. The director shall adopt 36778  
rules in accordance with Chapter 119. of the Revised Code 36779  
specifying which Ohio works first requirements shall be waived for 36780  
the purpose of providing medicaid eligibility under division 36781  
(A)(4) of this section. 36782

(B) If sufficient funds are appropriated for ~~such purpose by~~ 36783  
~~the general assembly~~ the medical assistance program, the 36784  
department may provide medical assistance to persons in groups 36785  
designated by federal law as groups to which a state, at its 36786  
option, may provide medical assistance under the medicaid program. 36787

(C) The department may expand eligibility for medical 36788  
assistance to include individuals under age nineteen with family 36789  
incomes at or below one hundred fifty per cent of the federal 36790  
poverty guidelines, except that the eligibility expansion shall 36791



not occur unless the department receives the approval of the 36792  
federal government. The department may implement the eligibility 36793  
expansion authorized under this division on any date selected by 36794  
the department, but not sooner than January 1, 1998. 36795

(D) In addition to any other authority or requirement to 36796  
adopt rules under this chapter, the director may adopt rules in 36797  
accordance with section 111.15 of the Revised Code as the director 36798  
considers necessary to establish standards, procedures, and other 36799  
requirements regarding the provision of medical assistance. The 36800  
rules may establish requirements to be followed in applying for 36801  
medical assistance, making determinations of eligibility for 36802  
medical assistance, and verifying eligibility for medical 36803  
assistance. The rules may include special conditions as the 36804  
department determines appropriate for making applications, 36805  
determining eligibility, and verifying eligibility for any medical 36806  
assistance that the department may provide pursuant to division 36807  
(C) of this section and section 5111.014 or 5111.019 of the 36808  
Revised Code. 36809

**Sec. 5111.014.** (A) The director of job and family services 36810  
shall submit to the United States secretary of health and human 36811  
services an amendment to the state medicaid plan to make an 36812  
individual who meets all of the following requirements eligible 36813  
for medicaid: 36814

(1) The individual is pregnant; 36815

(2) The individual's family income does not exceed ~~one~~ two 36816  
hundred ~~fifty~~ per cent of the federal poverty guidelines; 36817

(3) The individual satisfies all relevant requirements 36818  
established by rules adopted under division (D) of section 5111.01 36819  
of the Revised Code. 36820

(B) If approved by the United States secretary of health and 36821

human services, the director of job and family services shall 36822  
implement the medicaid plan amendment submitted under division (A) 36823  
of this section as soon as possible after receipt of notice of the 36824  
approval, but not sooner than January 1, ~~2000~~ 2008. 36825

**Sec. 5111.016.** (A) As used in this section, "healthcheck" has 36826  
the same meaning as in section 3313.714 of the Revised Code. 36827

(B) ~~In accordance with federal law and regulations, the~~ The 36828  
department of job and family services shall ~~establish~~ adopt rules 36829  
in accordance with Chapter 119. of the Revised Code establishing a 36830  
combination of written and oral methods designed to provide 36831  
information about healthcheck to all persons eligible for the 36832  
program or their parents or guardians. The department shall ensure 36833  
that its methods of providing information are effective. The 36834  
methods shall comply with federal law and regulations. 36835

Each county department of job and family services or other 36836  
entity that distributes or accepts applications for medical 36837  
assistance shall prominently display ~~in a conspicuous place the~~ 36838  
~~following~~ notice: 36839

~~"Under state and federal law, if you are a Medicaid~~ 36840  
~~recipient, your child is entitled to a thorough medical~~ 36841  
~~examination provided through Healthcheck. Once this examination is~~ 36842  
~~completed, your child is entitled to receive, at no cost to you,~~ 36843  
~~any service determined to be medically necessary." that complies~~ 36844  
with the rules adopted under this division. 36845

**Sec. 5111.019.** ~~(A)~~ The director of job and family services 36846  
shall submit to the United States secretary of health and human 36847  
services an amendment to the state medicaid plan to make an 36848  
individual eligible for medicaid who meets all of the following 36849  
requirements ~~eligible for medicaid for the amount of time provided~~ 36850  
~~by division (B) of this section:~~ 36851

~~(1)(A)~~ The individual is the parent of a child under nineteen 36852  
years of age and resides with the child; 36853

~~(2)(B)~~ The individual's family income does not exceed ninety 36854  
per cent of the federal poverty guidelines; 36855

~~(3)(C)~~ The individual is not otherwise eligible for medicaid; 36856

~~(4)(D)~~ The individual satisfies all relevant requirements 36857  
established by rules adopted under division (D) of section 5111.01 36858  
of the Revised Code. 36859

~~(B) An individual is eligible to receive medicaid under this 36860  
section for a period that does not exceed two years beginning on 36861  
the date on which eligibility is established. 36862~~

**Sec. 5111.0112.** ~~(A) Not later than July 1, 2006, the The 36863  
director of job and family services shall institute a copayment 36864  
cost-sharing program under the medicaid program. To the extent 36865  
permitted by federal law, the copayment In instituting the 36866  
cost-sharing program, the director shall comply with federal law. 36867  
The cost-sharing program shall establish a copayment requirement 36868  
for only at least dental services, vision services, nonemergency 36869  
emergency department services, and prescription drugs, other than 36870  
generic drugs. The cost-sharing program shall establish 36871  
requirements regarding premiums, enrollment fees, deductions, and 36872  
similar charges. The director shall adopt rules under section 36873  
5111.02 of the Revised Code governing the copayment program. 36874~~

(B) The ~~copayment~~ cost-sharing program shall, to the extent 36875  
permitted by federal law, provide for all of the following with 36876  
regard to any providers participating in the medicaid program: 36877

(1) No provider shall refuse to provide a service to a 36878  
medicaid recipient who is unable to pay a required copayment for 36879  
the service. 36880

(2) Division (B)(1) of this section shall not be considered 36881

to do either of the following with regard to a medicaid recipient 36882  
who is unable to pay a required copayment: 36883

(a) Relieve the medicaid recipient from the obligation to pay 36884  
a copayment; 36885

(b) Prohibit the provider from attempting to collect an 36886  
unpaid copayment. 36887

(3) Except as provided in division (C) of this section, no 36888  
provider shall waive a medicaid recipient's obligation to pay the 36889  
provider a copayment. 36890

(4) No provider or drug manufacturer, including the 36891  
manufacturer's representative, employee, independent contractor, 36892  
or agent, shall pay any copayment on behalf of a medicaid 36893  
recipient. 36894

(5) If it is the routine business practice of the provider to 36895  
refuse service to any individual who owes an outstanding debt to 36896  
the provider, the provider may consider an unpaid copayment 36897  
imposed by the ~~copayment~~ cost-sharing program as an outstanding 36898  
debt and may refuse service to a medicaid recipient who owes the 36899  
provider an outstanding debt. If the provider intends to refuse 36900  
service to a medicaid recipient who owes the provider an 36901  
outstanding debt, the provider shall notify the individual of the 36902  
provider's intent to refuse services. 36903

(C) In the case of a provider that is a hospital, the 36904  
~~copayment~~ cost-sharing program shall permit the hospital to take 36905  
action to collect a copayment by providing, at the time services 36906  
are rendered to a medicaid recipient, notice that a copayment may 36907  
be owed. If the hospital provides the notice and chooses not to 36908  
take any further action to pursue collection of the copayment, the 36909  
prohibition against waiving copayments specified in division 36910  
(B)(3) of this section does not apply. 36911

(D) The department of job and family services may work with a 36912

state agency that is administering, pursuant to a contract entered 36913  
into under section 5111.91 of the Revised Code, one or more 36914  
components of the medicaid program or one or more aspects of a 36915  
component as necessary for the state agency to apply the 36916  
cost-sharing program to the components or aspects of the medicaid 36917  
program that the state agency administers. 36918

**Sec. 5111.0119.** (A) The director of job and family services 36919  
shall submit to the United States secretary of health and human 36920  
services an amendment to the state medicaid plan to establish the 36921  
medicaid buy-in program in accordance with 42 U.S.C. 36922  
1396a(a)(10)(A)(ii)(XV) and (XVI). 36923

(B) The director of job and family services shall adopt rules 36924  
under section 5111.011 of the Revised Code to implement this 36925  
section. 36926

**Sec. 5111.023.** (A) As used in this section: 36927

(1) "Community mental health facility" means a community 36928  
mental health facility that has a quality assurance program 36929  
accredited by the joint commission on accreditation of healthcare 36930  
organizations or is certified by the department of mental health 36931  
or department of job and family services. 36932

(2) "Mental health professional" means a person qualified to 36933  
work with mentally ill persons under the standards established by 36934  
the director of mental health pursuant to section 5119.611 of the 36935  
Revised Code. 36936

(B) The state medicaid plan shall include provision of the 36937  
following mental health services when provided by community mental 36938  
health facilities: 36939

(1) Outpatient mental health services, including, but not 36940  
limited to, preventive, diagnostic, therapeutic, rehabilitative, 36941  
and palliative interventions rendered to individuals in an 36942

individual or group setting by a mental health professional in 36943  
accordance with a plan of treatment appropriately established, 36944  
monitored, and reviewed; 36945

(2) Partial-hospitalization mental health services ~~of three~~ 36946  
~~to fourteen hours per service day,~~ rendered by persons directly 36947  
supervised by a mental health professional; 36948

(3) Unscheduled, emergency mental health services of a kind 36949  
ordinarily provided to persons in crisis when rendered by persons 36950  
supervised by a mental health professional; 36951

(4) Subject to receipt of federal approval, assertive 36952  
community treatment and intensive home-based mental health 36953  
services. 36954

(C) The comprehensive annual plan shall certify the 36955  
availability of sufficient unencumbered community mental health 36956  
state subsidy and local funds to match federal medicaid 36957  
reimbursement funds earned by community mental health facilities. 36958

(D) The department of job and family services shall enter 36959  
into a separate contract with the department of mental health 36960  
under section 5111.91 of the Revised Code with regard to the 36961  
component of the medicaid program provided for by this section. 36962

(E) Not later than July 21, 2006, the department of job and 36963  
family services shall request federal approval to provide 36964  
assertive community treatment and intensive home-based mental 36965  
health services under medicaid pursuant to this section. 36966

(F) On receipt of federal approval sought under division (E) 36967  
of this section, the director of job and family services shall 36968  
adopt rules in accordance with Chapter 119. of the Revised Code 36969  
for assertive community treatment and intensive home-based mental 36970  
health services provided under medicaid pursuant to this section. 36971  
The director shall consult with the department of mental health in 36972  
adopting the rules. 36973

Sec. 5111.028. (A) Pursuant to section 5111.02 of the Revised Code, the director of job and family services shall adopt rules establishing the use of time-limited provider agreements under the medicaid program. Under the rules, each provider agreement shall expire three years from the effective date of the agreement. 36974  
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(B) The rules for use of time-limited provider agreements shall include a process for re-enrollment of providers. All of the following apply to the re-enrollment process: 36979  
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(1) The department may terminate a time-limited provider agreement or deny re-enrollment when a provider fails to file an application for re-enrollment within the time and in the manner required under the re-enrollment process. 36982  
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(2) If a provider files an application for re-enrollment within the time and in the manner required under the re-enrollment process, but the provider agreement expires before the department acts on the application or before the effective date of the department's decision on the application, the provider may continue operating under the terms of the expired provider agreement until the effective date of the department's decision. 36986  
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(3) A decision by the department to approve an application for re-enrollment becomes effective on the date of the department's decision. A decision by the department to deny re-enrollment shall take effect not sooner than thirty days after the date the department mails written notice of the decision to the provider. The department shall specify in the notice the date on which the provider is required to cease operating under the provider agreement. 36993  
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(C) Pursuant to section 5111.06 of the Revised Code, the department is not required to take the actions specified in division (B)(1) of this section by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the 37001  
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Revised Code. 37005

**Sec. 5111.03.** (A) No provider of services or goods 37006  
contracting with the department of job and family services 37007  
pursuant to the medicaid program shall, by deception, obtain or 37008  
attempt to obtain payments under this chapter to which the 37009  
provider is not entitled pursuant to the provider agreement, or 37010  
the rules of the federal government or the department of job and 37011  
family services relating to the program. No provider shall 37012  
willfully receive payments to which the provider is not entitled, 37013  
or willfully receive payments in a greater amount than that to 37014  
which the provider is entitled; nor shall any provider falsify any 37015  
report or document required by state or federal law, rule, or 37016  
provider agreement relating to medicaid payments. As used in this 37017  
section, a provider engages in "deception" when the provider, 37018  
acting with actual knowledge of the representation or information 37019  
involved, acting in deliberate ignorance of the truth or falsity 37020  
of the representation or information involved, or acting in 37021  
reckless disregard of the truth or falsity of the representation 37022  
or information involved, deceives another or causes another to be 37023  
deceived by any false or misleading representation, by withholding 37024  
information, by preventing another from acquiring information, or 37025  
by any other conduct, act, or omission that creates, confirms, or 37026  
perpetuates a false impression in another, including a false 37027  
impression as to law, value, state of mind, or other objective or 37028  
subjective fact. No proof of specific intent to defraud is 37029  
required to show, for purposes of this section, that a provider 37030  
has engaged in deception. 37031

(B) Any provider who violates division (A) of this section 37032  
shall be liable, in addition to any other penalties provided by 37033  
law, for all of the following civil penalties: 37034

(1) Payment of interest on the amount of the excess payments 37035



at the maximum interest rate allowable for real estate mortgages 37036  
under section 1343.01 of the Revised Code on the date the payment 37037  
was made to the provider for the period from the date upon which 37038  
payment was made, to the date upon which repayment is made to the 37039  
state; 37040

(2) Payment of an amount equal to three times the amount of 37041  
any excess payments; 37042

(3) Payment of a sum of not less than five thousand dollars 37043  
and not more than ten thousand dollars for each deceptive claim or 37044  
falsification; 37045

(4) All reasonable expenses which the court determines have 37046  
been necessarily incurred by the state in the enforcement of this 37047  
section. 37048

(C) As used in this division, "intermediate care facility for 37049  
the mentally retarded" and "nursing facility" have the same 37050  
meanings given in section 5111.20 of the Revised Code. 37051

In addition to the civil penalties provided in division (B) 37052  
of this section, the director of job and family services, upon the 37053  
conviction of, or the entry of a judgment in either a criminal or 37054  
civil action against, a medicaid provider or its owner, officer, 37055  
authorized agent, associate, manager, or employee in an action 37056  
brought pursuant to section 109.85 of the Revised Code, shall 37057  
terminate the provider agreement between the department and the 37058  
provider and stop reimbursement to the provider for services 37059  
rendered ~~for a period of up to five years~~ from the date of 37060  
conviction or entry of judgment. As used in this ~~chapter~~ division, 37061  
"owner" means any person having at least five per cent ownership 37062  
in the medicaid provider. No such provider, owner, officer, 37063  
authorized agent, associate, manager, or employee shall own or 37064  
provide services to any other medicaid provider or risk contractor 37065  
or arrange for, render, or order services for medicaid recipients 37066

~~during the period of termination as provided in division (C) of~~ 37067  
~~this section, nor, during the period of termination as provided in~~ 37068  
~~division (C) of this section,~~ shall such provider, owner, officer, 37069  
authorized agent, associate, manager, or employee receive 37070  
reimbursement in the form of direct payments from the department 37071  
or indirect payments of medicaid funds in the form of salary, 37072  
shared fees, contracts, kickbacks, or rebates from or through any 37073  
participating provider or risk contractor. The provider agreement 37074  
shall not be terminated or reimbursement terminated if the 37075  
provider or owner can demonstrate that the provider or owner did 37076  
not directly or indirectly sanction the action of its authorized 37077  
agent, associate, manager, or employee that resulted in the 37078  
conviction or entry of a judgment in a criminal or civil action 37079  
brought pursuant to section 109.85 of the Revised Code. Nothing in 37080  
this division prohibits any owner, officer, authorized agent, 37081  
associate, manager, or employee of a medicaid provider from 37082  
entering into a medicaid provider agreement if the person can 37083  
demonstrate that the person had no knowledge of an action of the 37084  
medicaid provider the person was formerly associated with that 37085  
resulted in the conviction or entry of a judgment in a criminal or 37086  
civil action brought pursuant to section 109.85 of the Revised 37087  
Code. 37088

Nursing facility or intermediate care facility for the 37089  
mentally retarded providers whose agreements are terminated 37090  
pursuant to this section may continue to receive reimbursement for 37091  
up to thirty days after the effective date of the termination if 37092  
the provider makes reasonable efforts to transfer recipients to 37093  
another facility or to alternate care and if federal funds are 37094  
provided for such reimbursement. 37095

(D) For any reason permitted or required by federal law, the 37096  
director of job and family services may deny a provider agreement 37097  
or terminate a provider agreement. 37098

For any reason permitted or required by federal law, the 37099  
director may exclude an individual, provider of services or goods, 37100  
or other entity from participation in the medicaid program. No 37101  
individual, provider, or entity excluded under this division shall 37102  
own or provide services to any other medicaid provider or risk 37103  
contractor or arrange for, render, or order services for medicaid 37104  
recipients during the period of exclusion, nor, during the period 37105  
of exclusion, shall such individual, provider, or entity receive 37106  
reimbursement in the form of direct payments from the department 37107  
or indirect payments of medicaid funds in the form of salary, 37108  
shared fees, contracts, kickbacks, or rebates from or through any 37109  
participating provider or risk contractor. An excluded individual, 37110  
provider, or entity may request a reconsideration of the 37111  
exclusion. The director shall adopt rules in accordance with 37112  
Chapter 119. of the Revised Code governing the process for 37113  
requesting a reconsideration. 37114

Nothing in this division limits the applicability of section 37115  
5111.06 of the Revised Code to a medicaid provider. 37116

(E) Any provider of services or goods contracting with the 37117  
department of job and family services pursuant to Title XIX of the 37118  
"Social Security Act," who, without intent, obtains payments under 37119  
this chapter in excess of the amount to which the provider is 37120  
entitled, thereby becomes liable for payment of interest on the 37121  
amount of the excess payments at the maximum real estate mortgage 37122  
rate on the date the payment was made to the provider for the 37123  
period from the date upon which payment was made to the date upon 37124  
which repayment is made to the state. 37125

~~(E)~~(F) The attorney general on behalf of the state may 37126  
commence proceedings to enforce this section in any court of 37127  
competent jurisdiction; and the attorney general may settle or 37128  
compromise any case brought under this section with the approval 37129  
of the department of job and family services. Notwithstanding any 37130

other provision of law providing a shorter period of limitations, 37131  
the attorney general may commence a proceeding to enforce this 37132  
section at any time within six years after the conduct in 37133  
violation of this section terminates. 37134

~~(F)~~(G) The authority, under state and federal law, of the 37135  
department of job and family services or a county department of 37136  
job and family services to recover excess payments made to a 37137  
provider is not limited by the availability of remedies under 37138  
sections 5111.11 and 5111.12 of the Revised Code for recovering 37139  
benefits paid on behalf of recipients of medical assistance. 37140

The penalties under this chapter apply to any overpayment, 37141  
billing, or falsification occurring on and after April 24, 1978. 37142  
All moneys collected by the state pursuant to this section shall 37143  
be deposited in the state treasury to the credit of the general 37144  
revenue fund. 37145

**Sec. 5111.031.** (A) As used in this section: 37146

(1) "Independent provider" has the same meaning as in section 37147  
5111.034 of the Revised Code. 37148

(2) "Intermediate care facility for the mentally retarded" 37149  
and "nursing facility" have the same meanings as in section 37150  
5111.20 of the Revised Code. 37151

(3) "Noninstitutional medicaid provider" means any person or 37152  
entity with a medicaid provider agreement other than a hospital, 37153  
nursing facility, or intermediate care facility for the mentally 37154  
retarded. 37155

(4) "Owner" means any person having at least five per cent 37156  
ownership in a noninstitutional medicaid provider. 37157

(B) Notwithstanding any provision of this chapter to the 37158  
contrary, the department of job and family services shall take 37159  
action under this section against a noninstitutional medicaid 37160

provider or its owner, officer, authorized agent, associate, 37161  
manager, or employee. 37162

(C) Except as provided in division (D) of this section and in 37163  
rules adopted by the department under division (H) of this 37164  
section, on receiving notice and a copy of an indictment that is 37165  
issued on or after the effective date of this section and charges 37166  
a noninstitutional medicaid provider or its owner, officer, 37167  
authorized agent, associate, manager, or employee with committing 37168  
an offense specified in division (E) of this section, the 37169  
department shall suspend the provider agreement held by the 37170  
noninstitutional medicaid provider. Subject to division (D) of 37171  
this section, the department shall also terminate medicaid 37172  
reimbursement to the provider for services rendered. 37173

The suspension shall continue in effect until the proceedings 37174  
in the criminal case are completed through conviction, dismissal 37175  
of the indictment, plea, or finding of not guilty. If the 37176  
department commences a process to terminate the suspended provider 37177  
agreement, the suspension shall continue in effect until the 37178  
termination process is concluded. Pursuant to section 5111.06 of 37179  
the Revised Code, the department is not required to take action 37180  
under this division by issuing an order pursuant to an 37181  
adjudication conducted in accordance with Chapter 119. of the 37182  
Revised Code. 37183

When subject to a suspension under this division, a provider, 37184  
owner, officer, authorized agent, associate, manager, or employee 37185  
shall not own or provide services to any other medicaid provider 37186  
or risk contractor or arrange for, render, or order services for 37187  
medicaid recipients during the period of suspension. During the 37188  
period of suspension, the provider, owner, officer, authorized 37189  
agent, associate, manager, or employee shall not receive 37190  
reimbursement in the form of direct payments from the department 37191  
or indirect payments of medicaid funds in the form of salary, 37192

shared fees, contracts, kickbacks, or rebates from or through any participating provider or risk contractor. 37193  
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(D)(1) The department shall not suspend a provider agreement or terminate medicaid reimbursement under division (C) of this section if the provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the indictment. 37195  
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(2) The termination of medicaid reimbursement applies only to payments for medicaid services rendered subsequent to the date on which the notice required under division (F) of this section is sent. Claims for reimbursement for medicaid services rendered by the provider prior to the issuance of the notice may be subject to prepayment review procedures whereby the department reviews claims to determine whether they are supported by sufficient documentation, are in compliance with state and federal statutes and rules, and are otherwise complete. 37201  
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(E)(1) In the case of a noninstitutional medicaid provider that is not an independent provider, the suspension of a provider agreement under division (C) of this section applies when an indictment charges a person with committing an act that would be a felony or misdemeanor under the laws of this state and the act relates to or results from either of the following: 37210  
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(a) Furnishing or billing for medical care, services, or supplies under the medicaid program; 37216  
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(b) Participating in the performance of management or administrative services relating to furnishing medical care, services, or supplies under the medicaid program. 37218  
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(2) In the case of a noninstitutional medicaid provider that is an independent provider, the suspension of a provider agreement under division (C) of this section applies when an indictment 37221  
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charges a person with committing an act that would constitute one 37224  
of the offenses specified in division (D) of section 5111.034 of 37225  
the Revised Code. 37226

(F) Not later than five days after suspending a provider 37227  
agreement under division (C) of this section, the department shall 37228  
send notice of the suspension to the affected provider or owner. 37229  
In providing the notice, the department shall do all of the 37230  
following: 37231

(1) Describe the indictment that was the cause of the 37232  
suspension, without necessarily disclosing specific information 37233  
concerning any ongoing civil or criminal investigation; 37234

(2) State that the suspension will continue in effect until 37235  
the proceedings in the criminal case are completed through 37236  
conviction, dismissal of the indictment, plea, or finding of not 37237  
guilty and, if the department commences a process to terminate the 37238  
suspended provider agreement, until the termination process is 37239  
concluded; 37240

(3) Inform the provider or owner of the opportunity to submit 37241  
to the department, not later than thirty days after receiving the 37242  
notice, a request for a reconsideration pursuant to division (G) 37243  
of this section. 37244

(G)(1) A noninstitutional medicaid provider or owner subject 37245  
to a suspension under this section may request a reconsideration. 37246  
The request shall be made not later than thirty days after receipt 37247  
of the notice provided under division (F) of this section. The 37248  
reconsideration is not subject to an adjudication hearing pursuant 37249  
to Chapter 119. of the Revised Code. 37250

(2) In requesting a reconsideration, the provider or owner 37251  
shall submit written information and documents to the department. 37252  
The information and documents may pertain to any of the following 37253  
issues: 37254

<u>(a) Whether the determination to suspend the provider agreement was based on a mistake of fact, other than the validity of the indictment;</u>	37255
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<u>(b) Whether any offense charged in the indictment resulted from an offense specified in division (E) of this section;</u>	37258
	37259
<u>(c) Whether the provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the indictment.</u>	37260
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<u>(3) The department shall review the information and documents submitted in a request for reconsideration. After the review, the suspension may be affirmed, reversed, or modified, in whole or in part. The department shall notify the affected provider or owner of the results of the review. The review and notification of its results shall be completed not later than forty-five days after receiving the information and documents submitted in a request for reconsideration.</u>	37264
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<u>(H) 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 would not suspend a provider agreement pursuant to this section.</u>	37272
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<b><u>Sec. 5111.032. (A) As used in this section:</u></b>	37276
<u>(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.</u>	37277
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<u>(2) "Department" includes a designee of the department of job and family services.</u>	37279
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<u>(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.</u>	37281
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<u>(4) "Provider" means a person, institution, or entity that</u>	37284



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. 37285  
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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. 37288  
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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. 37301  
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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 initial application. When the information is given, the department shall specify which of the provider's or applicant's employees or prospective employees, owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to the criminal records check requirement. 37305  
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(2) At times designated in rules adopted under this section, 37316

a provider that is subject to the criminal records check 37317  
requirement shall inform each person specified by the department 37318  
under division (C)(1) of this section that the person is required, 37319  
as applicable, to submit to a criminal records check for final 37320  
consideration for employment in a full-time, part-time, or 37321  
temporary position; as a condition of continued employment; or as 37322  
a condition of becoming or continuing to be an officer, board 37323  
member or owner of a provider. 37324

(D)(1) If a provider or applicant to be a provider is subject 37325  
to a criminal records check under this section, the department 37326  
shall require the conduct of a criminal records check by the 37327  
superintendent of the bureau of criminal identification and 37328  
investigation. If a provider or applicant to be a provider for 37329  
whom a criminal records check is required does not present proof 37330  
of having been a resident of this state for the five-year period 37331  
immediately prior to the date the criminal records check is 37332  
requested or provide evidence that within that five-year period 37333  
the superintendent has requested information about the individual 37334  
from the federal bureau of investigation in a criminal records 37335  
check, the department shall require the provider or applicant to 37336  
request that the superintendent obtain information from the 37337  
federal bureau of investigation as part of the criminal records 37338  
check of the provider or applicant. Even if a provider or 37339  
applicant for whom a criminal records check request is required 37340  
presents proof of having been a resident of this state for the 37341  
five-year period, the department may require that the provider or 37342  
applicant request that the superintendent obtain information from 37343  
the federal bureau of investigation and include it in the criminal 37344  
records check of the provider or applicant. 37345

(2) A provider shall require the conduct of a criminal 37346  
records check by the superintendent with respect to each of the 37347  
persons specified by the department under division (C)(1) of this 37348

section. If the person for whom a criminal records check is 37349  
required does not present proof of having been a resident of this 37350  
state for the five-year period immediately prior to the date the 37351  
criminal records check is requested or provide evidence that 37352  
within that five-year period the superintendent of the bureau of 37353  
criminal identification and investigation has requested 37354  
information about the individual from the federal bureau of 37355  
investigation in a criminal records check, the individual shall 37356  
request that the superintendent obtain information from the 37357  
federal bureau of investigation as part of the criminal records 37358  
check of the individual. Even if an individual for whom a criminal 37359  
records check request is required presents proof of having been a 37360  
resident of this state for the five-year period, the department 37361  
may require the provider to request that the superintendent obtain 37362  
information from the federal bureau of investigation and include 37363  
it in the criminal records check of the person. 37364

(E)(1) Criminal records checks required under this section 37365  
for providers or applicants to be providers shall be obtained as 37366  
follows: 37367

(a) The department shall provide each provider or applicant 37368  
information about accessing and completing the form prescribed 37369  
pursuant to division (C)(1) of section 109.572 of the Revised Code 37370  
and the standard fingerprint impression sheet prescribed pursuant 37371  
to division (C)(2) of that section. 37372

(b) The provider or applicant shall submit the required form 37373  
and one complete set of fingerprint impressions directly to the 37374  
superintendent for purposes of conducting the criminal records 37375  
check using the applicable methods prescribed by division (C) of 37376  
section 109.572 of the Revised Code. The applicant or provider 37377  
shall pay all fees associated with obtaining the criminal records 37378  
check. 37379

(c) The superintendent shall conduct the criminal records 37380

check in accordance with section 109.572 of the Revised Code. The 37381  
provider or applicant shall instruct the superintendent to submit 37382  
the report of the criminal records check directly to the director 37383  
of job and family services. 37384

(2) Criminal records checks required under this section for 37385  
persons specified by the department under division (C)(1) of this 37386  
section shall be obtained as follows: 37387

(a) The provider shall give to each person subject to 37388  
criminal records check requirement information about accessing and 37389  
completing the form prescribed pursuant to division (C)(1) of 37390  
section 109.572 of the Revised Code and the standard fingerprint 37391  
impression sheet prescribed pursuant to division (C)(2) of that 37392  
section. 37393

(b) The person shall submit the required form and one 37394  
complete set of fingerprint impressions directly to the 37395  
superintendent for purposes of conducting the criminal records 37396  
check using the applicable methods prescribed by division (C) of 37397  
section 109.572 of the Revised Code. The person shall pay all fees 37398  
associated with obtaining the criminal records check. 37399

(c) The superintendent shall conduct the criminal records 37400  
check in accordance with section 109.572 of the Revised Code. The 37401  
person subject to the criminal records check shall instruct the 37402  
superintendent to submit the report of the criminal records check 37403  
directly to the provider. The department may require the provider 37404  
to submit the report to the department. 37405

(F) If a provider or applicant to be a provider is given the 37406  
information specified in division (E)(1)(a) of this section but 37407  
fails to obtain a criminal records check, the department shall, as 37408  
applicable, terminate the provider agreement or deny the 37409  
application to be a provider. 37410

If a person is given the information specified in division 37411

(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. 37412  
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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: 37415  
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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 Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date; 37423  
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(2) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (D)(1) of this section. 37441  
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(H)(1)(a) Except as provided in rules adopted under division (J) of this section and subject to division (H)(2) of this section, no provider shall permit a person to be an employee, owner, officer, or board member of the provider if the person is subject to a criminal records check under this section and the person has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section.

(b) No provider shall employ a person who has been excluded from participating in the medicaid program, the medicare program operated pursuant to Title XVIII of the "Social Security Act," or any other federal health care program.

(2)(a) A provider may employ conditionally a person for whom a criminal records check is required under this section prior to obtaining the results of a criminal records check regarding the person, but only if the person submits a request for a criminal records check not later than five business days after the individual begins conditional employment.

(b) A provider that employs a person conditionally under authority of division (H)(2)(a) of this section shall terminate the person's employment if the results of the criminal records check request are not obtained within the period ending sixty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the individual 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 provider shall terminate the person's employment unless the provider chooses to employ the individual pursuant to division (J) of this section.

(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: 37476  
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(1) The person who is the subject of the criminal records check or the person's representative; 37478  
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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; 37480  
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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; 37482  
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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. 37485  
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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 offenses specified in division (G)(1) or (2) of this section. 37488  
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**Sec. ~~5111.95~~ 5111.033.** (A) As used in this section: 37501

(1) "Applicant" means a person who is under final 37502  
consideration for employment or, after ~~the effective date of this~~ 37503  
~~section~~ September 26, 2003, an existing employee with a waiver 37504  
agency in a full-time, part-time, or temporary position that 37505

involves providing home and community-based waiver services to a 37506  
person with disabilities. "Applicant" also means an existing 37507  
employee with a waiver agency in a full-time, part-time, or 37508  
temporary position that involves providing home and 37509  
community-based waiver services to a person with disabilities 37510  
after ~~the effective date of this section~~ September 26, 2003. 37511

(2) "Criminal records check" has the same meaning as in 37512  
section 109.572 of the Revised Code. 37513

(3) "Waiver agency" means a person or government entity that 37514  
is not certified under the medicare program and is accredited by 37515  
the community health accreditation program or the joint commission 37516  
on accreditation of health care organizations or a company that 37517  
provides home and community-based waiver services to persons with 37518  
disabilities through department of job and family services 37519  
administered home and community-based waiver programs. 37520

(4) "Home and community-based waiver services" means services 37521  
furnished under the provision of 42 C.F.R. 441, subpart G, that 37522  
permit individuals to live in a home setting rather than a nursing 37523  
facility or hospital. Home and community-based waiver services are 37524  
approved by the centers for medicare and medicaid for specific 37525  
populations and are not otherwise available under the medicaid 37526  
state plan. 37527

(B)(1) The chief administrator of a waiver agency shall 37528  
require each applicant to request that the superintendent of the 37529  
bureau of criminal identification and investigation conduct a 37530  
criminal records check with respect to ~~each~~ the applicant. If an 37531  
applicant for whom a criminal records check request is required 37532  
under this division does not present proof of having been a 37533  
resident of this state for the five-year period immediately prior 37534  
to the date the criminal records check is requested or provide 37535  
evidence that within that five-year period the superintendent has 37536  
requested information about the applicant from the federal bureau 37537



of investigation in a criminal records check, the chief 37538  
administrator shall require the applicant to request that the 37539  
superintendent obtain information from the federal bureau of 37540  
investigation as part of the criminal records check of the 37541  
applicant. Even if an applicant for whom a criminal records check 37542  
request is required under this division presents proof of having 37543  
been a resident of this state for the five-year period, the chief 37544  
administrator may require the applicant to request that the 37545  
superintendent include information from the federal bureau of 37546  
investigation in the criminal records check. 37547

~~(2) A person required by division (B)(1) of this section to~~ 37548  
~~request a criminal records check~~ The chief administrator shall ~~do~~ 37549  
~~both of~~ provide the following: 37550

~~(a) Provide~~ to each applicant for whom a criminal records 37551  
check request is required under division (B)(1) of this section a 37552  
~~copy of:~~ 37553

(a) Information about accessing, completing, and forwarding 37554  
to the superintendent of the bureau of criminal identification and 37555  
investigation the form prescribed pursuant to division (C)(1) of 37556  
section 109.572 of the Revised Code and a the standard fingerprint 37557  
impression sheet prescribed pursuant to division (C)(2) of that 37558  
section, ~~and obtain the completed form and impression sheet from~~ 37559  
~~the applicant;~~ 37560

~~(b) Forward the completed form and impression sheet to the~~ 37561  
~~superintendent of the bureau of criminal identification and~~ 37562  
~~investigation~~ Written notification that the applicant is to 37563  
instruct the superintendent to submit the completed report of the 37564  
criminal records check directly to the chief administrator. 37565

(3) An applicant ~~provided the form and fingerprint impression~~ 37566  
~~sheet under division (B)(2)(a) of this section who fails to~~ 37567  
~~complete the form or provide fingerprint impressions~~ given 37568

information and notification under divisions (B)(2)(a) and (b) of 37569  
this section who fails to access, complete, and forward to the 37570  
superintendent the form or the standard fingerprint impression 37571  
sheet, or who fails to instruct the superintendent to submit the 37572  
completed report of the criminal records check directly to the 37573  
chief administrator, shall not be employed in any position in a 37574  
waiver agency for which a criminal records check is required by 37575  
this section. 37576

(C)(1) Except as provided in rules adopted by the department 37577  
of job and family services in accordance with division (F) of this 37578  
section and subject to division (C)(2) of this section, no waiver 37579  
agency shall employ a person in a position that involves providing 37580  
home and community-based waiver services to persons with 37581  
disabilities if the person has been convicted of ~~or~~, has pleaded 37582  
guilty to, or has been found eligible for intervention in lieu of 37583  
conviction for any of the following: 37584

(a) A violation of section 2903.01, 2903.02, 2903.03, 37585  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 37586  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 37587  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 37588  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 37589  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 37590  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 37591  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 37592  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 37593  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 37594  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 37595  
3716.11 of the Revised Code, felonious sexual penetration in 37596  
violation of former section 2907.12 of the Revised Code, a 37597  
violation of section 2905.04 of the Revised Code as it existed 37598  
prior to July 1, 1996, a violation of section 2919.23 of the 37599  
Revised Code that would have been a violation of section 2905.04 37600

of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (C)(1)(a) of this section.

(2)(a) A waiver agency may employ conditionally an applicant for whom a criminal records check request is required under division (B) of this section prior to obtaining the results of a criminal records check regarding the individual, provided that the agency shall require the individual to request a criminal records check regarding the individual in accordance with division (B)(1) of this section not later than five business days after the individual begins conditional employment.

(b) A waiver agency that employs an individual conditionally under authority of division (C)(2)(a) of this section shall terminate the individual's employment if the results of the criminal records check request under division (B) of this section, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the individual has been convicted of ~~or~~, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses listed or described in division (C)(1) of this section, the agency shall terminate the individual's employment unless the agency chooses to employ the individual pursuant to division (F) of this section.

(D)(1) ~~Each waiver agency shall pay to the bureau of criminal identification and investigation the~~ The fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted pursuant to a request made under

division (B) of this section shall be paid to the bureau of 37633  
criminal identification and investigation by the applicant or the 37634  
waiver agency. 37635

(2) ~~A~~ If a waiver agency pays the fee, it may charge ~~an~~ the 37636  
applicant a fee not exceeding the amount the agency pays under 37637  
division (D)(1) of this section. An agency may collect a fee only 37638  
if the agency notifies the person at the time of initial 37639  
application for employment of the amount of the fee and that, 37640  
unless the fee is paid, the person will not be considered for 37641  
employment. 37642

(E) The report of any criminal records check conducted 37643  
pursuant to a request made under this section is not a public 37644  
record for the purposes of section 149.43 of the Revised Code and 37645  
shall not be made available to any person other than the 37646  
following: 37647

(1) The individual who is the subject of the criminal records 37648  
check or the individual's representative; 37649

(2) The chief administrator of the agency requesting the 37650  
criminal records check or the administrator's representative; 37651

(3) An administrator at the department; 37652

~~(4)~~ A court, hearing officer, or other necessary individual 37653  
involved in a case dealing with a denial of employment of the 37654  
applicant or dealing with employment or unemployment benefits of 37655  
the applicant. 37656

(F) The department shall adopt rules in accordance with 37657  
Chapter 119. of the Revised Code to implement this section. The 37658  
rules shall specify circumstances under which a waiver agency may 37659  
employ a person who has been convicted of ~~or~~, has pleaded guilty 37660  
to, or has been found eligible for intervention in lieu of 37661  
conviction for an offense listed or described in division (C)(1) 37662  
of this section ~~but meets personal character standards set by the~~ 37663

department. 37664

(G) The chief administrator of a waiver agency shall inform 37665  
each person, at the time of initial application for a position 37666  
that involves providing home and community-based waiver services 37667  
to a person with a disability, that the person is required to 37668  
provide a set of fingerprint impressions and that a criminal 37669  
records check is required to be conducted if the person comes 37670  
under final consideration for employment. 37671

(H)(1) A person who, on ~~the effective date of this section~~ 37672  
September 26, 2003, is an employee of a waiver agency in a 37673  
full-time, part-time, or temporary position that involves 37674  
providing home and community-based waiver services to a person 37675  
with disabilities shall comply with this section within sixty days 37676  
after ~~the effective date of this section~~ September 26, 2003, 37677  
unless division (H)(2) of this section applies. 37678

(2) This section shall not apply to a person to whom all of 37679  
the following apply: 37680

(a) On ~~the effective date of this section~~ September 26, 2003, 37681  
the person is an employee of a waiver agency in a full-time, 37682  
part-time, or temporary position that involves providing home and 37683  
community-based waiver services to a person with disabilities. 37684

(b) The person previously had been the subject of a criminal 37685  
background check relating to that position; 37686

(c) The person has been continuously employed in that 37687  
position since that criminal background check had been conducted. 37688

**Sec. ~~5111.96~~ 5111.034.** (A) As used in this section: 37689

(1) "Anniversary date" means the later of the effective date 37690  
of the provider agreement relating to the independent provider or 37691  
sixty days after ~~the effective date of this section~~ September 26, 37692  
2003. 37693

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 37694  
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(3) "~~The department~~ Department" ~~means~~ includes a designee of the department of job and family services ~~or its designee~~. 37696  
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(4) "Independent provider" means a person who is submitting an application for a provider agreement or who has a provider agreement as an independent provider in a department of job and family services administered home and community-based services program providing home and community-based waiver services to consumers with disabilities. 37698  
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(5) "Home and community-based waiver services" has the same meaning as in section ~~5111.95~~ 5111.033 of the Revised Code. 37704  
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(B)(1) The department of job and family services shall inform each independent provider, at the time of initial application for a provider agreement that involves providing home and community-based waiver services to consumers with disabilities, that the independent provider is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the person is to become an independent provider in a department administered home and community-based waiver program. 37706  
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(2) Beginning on ~~the effective date of this section~~ September 26, 2003, the department shall inform each enrolled medicaid independent provider on or before time of the anniversary date of the provider agreement that involves providing home and community-based waiver services to consumers with disabilities that the independent provider is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted. 37715  
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(C)(1) The department shall require the independent provider to complete a criminal records check prior to entering into a 37723  
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provider agreement with the independent provider and at least 37725  
annually thereafter. If an independent provider for whom a 37726  
criminal records check is required under this division does not 37727  
present proof of having been a resident of this state for the 37728  
five-year period immediately prior to the date the criminal 37729  
records check is requested or provide evidence that within that 37730  
five-year period the superintendent of the bureau of criminal 37731  
identification and investigation has requested information about 37732  
the ~~applicant~~ independent provider from the federal bureau of 37733  
investigation in a criminal records check, the department shall 37734  
request that the independent provider obtain through the 37735  
superintendent a criminal records request from the federal bureau 37736  
of investigation as part of the criminal records check of the 37737  
independent provider. Even if an independent provider for whom a 37738  
criminal records check request is required under this division 37739  
presents proof of having been a resident of this state for the 37740  
five-year period, the department may request that the independent 37741  
provider obtain information through the superintendent from the 37742  
federal bureau of investigation in the criminal records check. 37743

(2) The department shall ~~do both of~~ provide the following+ 37744

~~(a) Provide information~~ to each independent provider for whom 37745  
a criminal records check request is required under division (C)(1) 37746  
of this section ~~about requesting a copy of:~~ 37747

(a) Information about accessing, completing, and forwarding 37748  
to the superintendent of the bureau of criminal identification and 37749  
investigation the form prescribed pursuant to division (C)(1) of 37750  
section 109.572 of the Revised Code and ~~a~~ the standard fingerprint 37751  
impression sheet prescribed pursuant to division (C)(2) of that 37752  
section, ~~and obtain the completed form and impression sheet and~~ 37753  
~~fee from the independent provider;~~ 37754

~~(b) Forward the completed form, impression sheet, and fee to~~ 37755  
~~the superintendent of the bureau of criminal identification and~~ 37756

~~investigation~~ Written notification that the independent provider 37757  
is to instruct the superintendent to submit the completed report 37758  
of the criminal records check directly to the department. 37759

(3) An independent provider given information ~~about obtaining~~ 37760  
~~the form and fingerprint impression sheet under division (C)(2)(a)~~ 37761  
~~of this section who fails to complete the form or provide~~ 37762  
~~fingerprint impressions~~ and notification under divisions (C)(2)(a) 37763  
and (b) of this section who fails to access, complete, and forward 37764  
to the superintendent the form or the standard fingerprint 37765  
impression sheet, or who fails to instruct the superintendent to 37766  
submit the completed report of the criminal records check directly 37767  
to the department, shall not be approved as an independent 37768  
provider. 37769

(D) Except as provided in rules adopted by the department in 37770  
accordance with division (G) of this section, the department shall 37771  
not issue a new provider agreement to, and shall terminate an 37772  
existing provider agreement of, an independent provider if the 37773  
person has been convicted of ~~or~~, has pleaded guilty to, or has 37774  
been found eligible for intervention in lieu of conviction for any 37775  
of the following: 37776

(1) A violation of section 2903.01, 2903.02, 2903.03, 37777  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 37778  
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 37779  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 37780  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 37781  
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 37782  
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 37783  
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 37784  
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 37785  
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 37786  
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 37787  
3716.11 of the Revised Code, felonious sexual penetration in 37788



violation of former section 2907.12 of the Revised Code, a 37789  
violation of section 2905.04 of the Revised Code as it existed 37790  
prior to July 1, 1996, a violation of section 2919.23 of the 37791  
Revised Code that would have been a violation of section 2905.04 37792  
of the Revised Code as it existed prior to July 1, 1996, had the 37793  
violation been committed prior to that date; 37794

(2) An existing or former law of this state, any other state, 37795  
or the United States that is substantially equivalent to any of 37796  
the offenses listed in division (D)(1) of this section. 37797

(E) Each independent provider shall pay to the bureau of 37798  
criminal identification and investigation the fee prescribed 37799  
pursuant to division (C)(3) of section 109.572 of the Revised Code 37800  
for each criminal records check conducted pursuant to a request 37801  
made under division (C) of this section. 37802

(F) The report of any criminal records check conducted by the 37803  
bureau of criminal identification and investigation in accordance 37804  
with section 109.572 of the Revised Code and pursuant to a request 37805  
made under division (C) of this section is not a public record for 37806  
the purposes of section 149.43 of the Revised Code and shall not 37807  
be made available to any person other than the following: 37808

(1) The person who is the subject of the criminal records 37809  
check or the person's representative; 37810

(2) ~~The An~~ administrator at the department ~~who is requesting~~ 37811  
~~the criminal records check~~ or the administrator's representative; 37812

(3) ~~Any A~~ court, hearing officer, or other necessary 37813  
individual involved in a case dealing with a denial or termination 37814  
of a provider agreement related to the criminal records check. 37815

(G) The department shall adopt rules in accordance with 37816  
Chapter 119. of the Revised Code to implement this section. The 37817  
rules shall specify circumstances under which the department may 37818  
either issue a provider agreement to an independent provider ~~who~~ 37819

or allow an independent provider to maintain an existing provider 37820  
agreement when the independent provider has been convicted of ~~ex,~~ 37821  
has pleaded guilty to, or has been found eligible for intervention 37822  
in lieu of conviction for an offense listed or described in 37823  
division (C)(1) of this section ~~but meets personal character~~ 37824  
~~standards set by the department.~~ 37825

**Sec. 5111.06.** (A)(1) As used in this section and in sections 37826  
5111.061 and 5111.062 of the Revised Code: 37827

(a) "Provider" means any person, institution, or entity that 37828  
furnishes medicaid services under a provider agreement with the 37829  
department of job and family services pursuant to Title XIX of the 37830  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 37831  
amended. 37832

(b) "Party" has the same meaning as in division (G) of 37833  
section 119.01 of the Revised Code. 37834

(c) "Adjudication" has the same meaning as in division (D) of 37835  
section 119.01 of the Revised Code. 37836

(2) This section does not apply to any action taken by the 37837  
department of job and family services under sections 5111.35 to 37838  
5111.62 of the Revised Code. 37839

(B) Except as provided in division (D) of this section and 37840  
section 5111.914 of the Revised Code, the department shall do 37841  
either of the following by issuing an order pursuant to an 37842  
adjudication conducted in accordance with Chapter 119. of the 37843  
Revised Code: 37844

(1) Enter into or refuse to enter into a provider agreement 37845  
with a provider, or suspend, terminate, renew, or refuse to renew 37846  
an existing provider agreement with a provider; 37847

(2) Take any action based upon a final fiscal audit of a 37848  
provider. 37849

(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~~ 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.

~~(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;

~~(3)~~(5) The provider agreement is denied, terminated, or not 37881  
renewed due to the provider's termination, suspension, or 37882  
exclusion from the medicare program established under Title XVIII 37883  
of the "Social Security Act," and the termination, suspension, or 37884  
exclusion is binding on the provider's participation in the 37885  
medicaid program; 37886

~~(4)~~(6) The provider agreement is denied, terminated, or not 37887  
renewed due to the provider's pleading guilty to or being 37888  
convicted of a criminal activity materially related to either the 37889  
medicare or medicaid program; 37890

~~(5)~~(7) The provider agreement is denied, terminated, or 37891  
suspended as a result of action by the United States department of 37892  
health and human services and that action is binding on the 37893  
provider's participation in the medicaid program; 37894

~~(6)~~(8) The provider agreement is suspended pursuant to 37895  
section 5111.031 of the Revised Code pending indictment of the 37896  
provider. 37897

(9) The provider agreement is denied, terminated, or not 37898  
renewed because the provider has been convicted of one of the 37899  
offenses that caused the provider agreement to be suspended 37900  
pursuant to section 5111.031 of the Revised Code. 37901

(10) The provider agreement is terminated or an application 37902  
for re-enrollment is denied because the provider has failed to 37903  
apply for re-enrollment within the time or in the manner specified 37904  
for re-enrollment pursuant to section 5111.028 of the Revised 37905  
Code. 37906

(11) The provider agreement is terminated or not renewed 37907  
because the provider has not billed or otherwise submitted a 37908  
medicaid claim to the department for two years or longer, and the 37909  
department has determined that the provider has moved from the 37910  
address on record with the department without leaving an active 37911

forwarding address with the department. 37912

In the case of a provider described in division (D)~~(6)~~(11) of 37913  
this section, the department may terminate or not renew the 37914  
provider agreement by sending a notice explaining the department's 37915  
proposed action to the address on record with the department. The 37916  
notice may be sent by regular mail. 37917

(E) The department may withhold payments for services 37918  
rendered by a medicaid provider under the medical assistance 37919  
program during the pendency of proceedings initiated under 37920  
division (B)(1) of this section. If the proceedings are initiated 37921  
under division (B)(2) of this section, the department may withhold 37922  
payments only to the extent that they equal amounts determined in 37923  
a final fiscal audit as being due the state. This division does 37924  
not apply if the department fails to comply with section 119.07 of 37925  
the Revised Code, requests a continuance of the hearing, or does 37926  
not issue a decision within thirty days after the hearing is 37927  
completed. This division does not apply to nursing facilities and 37928  
intermediate care facilities for the mentally retarded as defined 37929  
in section 5111.20 of the Revised Code. 37930

**Sec. 5111.084.** There is hereby established the pharmacy and 37931  
therapeutics committee of the department of job and family 37932  
services. The committee shall consist of nine members and shall be 37933  
appointed by the director of job and family services. The 37934  
membership of the committee shall include: three pharmacists 37935  
licensed under Chapter 4729. of the Revised Code; two doctors of 37936  
medicine and two doctors of osteopathy licensed under Chapter 37937  
4731. of the Revised Code; a registered nurse licensed under 37938  
Chapter 4723. of the Revised Code; and a pharmacologist who has a 37939  
doctoral degree. At least one of the members who is a doctor of 37940  
medicine or doctor of osteopathy shall be a psychiatrist. The 37941  
committee shall elect one of its members as chairperson. 37942

**Sec. 5111.10.** The director of job and family services may 37943  
conduct reviews of the medicaid program. The reviews may include 37944  
physical inspections of records and sites where medicaid-funded 37945  
services are provided and interviews of providers and recipients 37946  
of the services. If the director determines pursuant to a review 37947  
that a person or government entity has violated a rule governing 37948  
the medicaid program, the director may establish a corrective 37949  
action plan for the violator and impose fiscal, administrative, or 37950  
both types of sanctions on the violator in accordance with rules 37951  
governing the medicaid program. ~~Such action to be taken against a~~ 37952  
~~responsible entity, as defined in section 5101.24 of the Revised~~ 37953  
~~Code, shall be taken in accordance with that section.~~ 37954

**Sec. 5111.101.** (A) As used in this section, ~~"federal";~~ 37955  
"Agent" and "contractor" include any agent, contractor, 37956  
subcontractor, or other person who, on behalf of an entity, 37957  
furnishes or authorizes the furnishing of health care items or 37958  
services under the medicaid program, performs billing or coding 37959  
functions, or is involved in monitoring of health care that an 37960  
entity provides. 37961

"Employee" includes any officer or employee (including 37962  
management employees) of an entity. 37963

"Entity" includes a governmental entity or an organization, 37964  
unit, corporation, partnership, or other business arrangement, 37965  
including any medicaid managed care organization, irrespective of 37966  
the form of business structure or arrangement by which it exists, 37967  
whether for-profit or not-for-profit. "Entity" does not include a 37968  
government entity that administers one or more components of the 37969  
medicaid program, unless the government entity receives medicaid 37970  
payments for providing items or services. 37971

"Federal health care programs" has the same meaning as in 42 37972

U.S.C. 1320a-7b(f). 37973

(B) Each ~~person and government~~ entity that receives or makes 37974  
~~medicaid in a federal fiscal year~~ payments ~~in a calendar year that~~ 37975  
~~total~~ under the medicaid program, either through the state 37976  
medicaid plan or a federal medicaid waiver, totaling at least five 37977  
million dollars ~~or more~~ shall, as a condition of receiving such 37978  
payments, do all of the following not later than the first day of 37979  
the succeeding calendar year: 37980

(1) ~~Provide each of the person or government entity's~~ 37981  
Establish written policies for all of the entity's employees 37982  
~~(including management employees),~~ contractors, and agents, that 37983  
provide detailed, ~~written~~ information about the role of all of the 37984  
following in preventing and detecting fraud, waste, and abuse in 37985  
federal health care programs: 37986

(a) Federal false claims law under 31 U.S.C. 3729 to 3733; 37987

(b) Federal administrative remedies for false claims and 37988  
statements available under 31 U.S.C. 3801 to 3812; 37989

(c) Sections 124.341, 2913.40, 2913.401, and 2921.13 of the 37990  
Revised Code and any other state laws pertaining to civil or 37991  
criminal penalties for false claims and statements; 37992

(d) Whistleblower protections under the laws specified in 37993  
divisions (B)(1)(a) to (c) of this section. 37994

(2) ~~Include in as part of~~ the written ~~information provided~~ 37995  
~~under policies required by~~ division (B)(1) of this section 37996  
detailed ~~information about~~ provisions regarding the ~~person or~~ 37997  
~~government~~ entity's policies and procedures for preventing and 37998  
detecting fraud, waste, and abuse. 37999

(3) ~~Include~~ Disseminate the written policies required by 38000  
division (B)(1) of this section to each of the entity's employees, 38001  
contractors, and agents in a paper or electronic form and make the 38002

written policies readily available to the entity's employees, 38003  
contractors, and agents. 38004

(4) If the entity has an employee handbook, include in the 38005  
person or government entity's employee handbook a specific 38006  
discussion of the laws specified in division (B)(1) of this 38007  
section, the rights of employees to be protected as 38008  
whistleblowers, and the person or government entity's policies and 38009  
procedures for preventing and detecting fraud, waste, and abuse. 38010

(5) Require the entity's contractors and agents to adopt the 38011  
entity's written policies required by division (B)(1) of this 38012  
section. 38013

(C) An entity that furnishes items or services at multiple 38014  
locations or under multiple contractual or other payment 38015  
arrangements is required to comply with division (B) of this 38016  
section if the entity receives in a federal fiscal year medicaid 38017  
payments totaling in the aggregate at least five million dollars. 38018  
This applies regardless of whether the entity submits claims for 38019  
medicaid payments using multiple provider identification or tax 38020  
identification numbers. 38021

**Sec. 5111.102.** As used in this section, "state agency" has 38022  
the same meaning as in section 9.23 of the Revised Code. 38023

No provision of Title LI of the Revised Code or any other law 38024  
of this state that incorporates any provision of federal Medicaid 38025  
law, Title XIX of the Social Security Act, 79 Stat. 286 (1965), 42 38026  
U.S.C. 1396, or that may be construed as requiring the state, a 38027  
state agency, or any state official or employee to comply with 38028  
that federal provision, shall be construed as creating a cause of 38029  
action to enforce such state law beyond the causes of action 38030  
available under federal law for enforcement of the provision of 38031  
federal law. 38032



**Sec. 5111.163.** (A) As used in this section: 38033

(1) "Emergency services" has the same meaning as in section 38034  
1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42 38035  
U.S.C. 1396u-2(b)(2), as amended. 38036

(2) "Medicaid managed care organization" has the same meaning 38037  
as in section 5111.162 of the Revised Code. 38038

(3) "Provider" ~~has the same meaning as in section 5111.06 of~~ 38039  
~~the Revised Code~~ means any person, institution, or entity that 38040  
furnishes emergency services to a medicaid recipient enrolled in a 38041  
medicaid managed care organization, regardless of whether the 38042  
person, institution, or entity has a provider agreement with the 38043  
department of job and family services pursuant to Title XIX of the 38044  
"Social Security Act." 38045

(B) When a participant in the care management system 38046  
established under section 5111.16 of the Revised Code is enrolled 38047  
in a medicaid managed care organization and receives emergency 38048  
services on or after January 1, 2007, from a provider that is not 38049  
under contract with the organization, the provider shall accept 38050  
from the organization, as payment in full, not more than the 38051  
amounts (less any payments for indirect costs of medical education 38052  
and direct costs of graduate medical education) that the provider 38053  
could collect if the participant received medicaid other than 38054  
through enrollment in a managed care organization. 38055

**Sec. 5111.17.** (A) The department of job and family services 38056  
may enter into contracts with managed care organizations, 38057  
including health insuring corporations, under which the 38058  
organizations are authorized to provide, or arrange for the 38059  
provision of, health care services to medical assistance 38060  
recipients who are required or permitted to obtain health care 38061  
services through managed care organizations as part of the care 38062

management system established under section 5111.16 of the Revised Code. 38063  
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~~(B) The department shall develop and implement a financial incentive program to improve and reward positive health outcomes through the managed care organization contracts entered into under this section. In developing and implementing the program, the department may take into consideration the recommendations regarding the program made by the medicaid care management working group created under section 5111.161~~ (1) For purposes of making payments to health insuring corporations under contract pursuant to this section, the department shall develop, certify, and implement actuarially sound capitation rates, as defined in 42 C.F.R. 438.6. In taking these actions, the department shall comply with all applicable requirements of 42 C.F.R. 438.6 and Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396b(m), as amended. 38065  
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(2) Before the department may submit proposed capitation rates for approval by the United States centers for medicare and medicaid services, the department shall submit the proposed rates to the superintendent of insurance for review. On each submission, the superintendent shall conduct a review of the proposed rates and provide written notice to the department of the results of the review. 38079  
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(3) The department may not submit the proposed rates for approval by the centers for medicare and medicaid services unless the superintendent specifies in the results of the review that the proposed rates will do none of the following with respect to the health insuring corporation that will receive payments according to the proposed rates: 38086  
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(a) Negatively impact the financial solvency of the health insuring corporation; 38092  
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<u>(b) Cause a change in the health insuring corporation's RBC</u>	38094
<u>levels, as defined in section 3903.81 of the Revised Code;</u>	38095
<u>(c) Require that an application for a certificate of</u>	38096
<u>authority include the parent company's guaranty, as specified in</u>	38097
<u>division (A)(27) of section 1751.03 of the Revised Code.</u>	38098
(C) The director of job and family services may adopt rules	38099
in accordance with Chapter 119. of the Revised Code to implement	38100
this section.	38101
<b>Sec. 5111.20.</b> As used in sections 5111.20 to 5111.34 of the	38102
Revised Code:	38103
(A) "Allowable costs" are those costs determined by the	38104
department of job and family services to be reasonable and do not	38105
include fines paid under sections 5111.35 to 5111.61 and section	38106
5111.99 of the Revised Code.	38107
(B) "Ancillary and support costs" means all reasonable costs	38108
incurred by a nursing facility other than direct care costs or	38109
capital costs. "Ancillary and support costs" includes, but is not	38110
limited to, costs of activities, social services, pharmacy	38111
consultants, habilitation supervisors, qualified mental	38112
retardation professionals, program directors, medical and	38113
habilitation records, program supplies, incontinence supplies,	38114
food, enterals, dietary supplies and personnel, laundry,	38115
housekeeping, security, administration, medical equipment,	38116
utilities, liability insurance, bookkeeping, purchasing	38117
department, human resources, communications, travel, dues, license	38118
fees, subscriptions, home office costs not otherwise allocated,	38119
legal services, accounting services, minor equipment, maintenance	38120
and repairs, help-wanted advertising, informational advertising,	38121
start-up costs, organizational expenses, other interest, property	38122
insurance, employee training and staff development, employee	38123
benefits, payroll taxes, and workers' compensation premiums or	38124

costs for self-insurance claims and related costs as specified in 38125  
rules adopted by the director of job and family services under 38126  
section 5111.02 of the Revised Code, for personnel listed in this 38127  
division. "Ancillary and support costs" also means the cost of 38128  
equipment, including vehicles, acquired by operating lease 38129  
executed before December 1, 1992, if the costs are reported as 38130  
administrative and general costs on the facility's cost report for 38131  
the cost reporting period ending December 31, 1992. 38132

(C) "Capital costs" means costs of ownership and, in the case 38133  
of an intermediate care facility for the mentally retarded, costs 38134  
of nonextensive renovation. 38135

(1) "Cost of ownership" means the actual expense incurred for 38136  
all of the following: 38137

(a) Depreciation and interest on any capital assets that cost 38138  
five hundred dollars or more per item, including the following: 38139

(i) Buildings; 38140

(ii) Building improvements that are not approved as 38141  
nonextensive renovations under section 5111.251 of the Revised 38142  
Code; 38143

(iii) Except as provided in division (B) of this section, 38144  
equipment; 38145

(iv) In the case of an intermediate care facility for the 38146  
mentally retarded, extensive renovations; 38147

(v) Transportation equipment. 38148

(b) Amortization and interest on land improvements and 38149  
leasehold improvements; 38150

(c) Amortization of financing costs; 38151

(d) Except as provided in division (K) of this section, lease 38152  
and rent of land, building, and equipment. 38153

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. 38185

~~(2)~~ If a facility adds nursing home beds or residential 38186  
facility beds or extensively renovates all or part of the facility 38187  
after its original date of licensure, it will have a different 38188  
date of licensure for the additional beds or extensively renovated 38189  
portion of the facility, unless the beds are added in a space that 38190  
was constructed at the same time as the previously licensed beds 38191  
but was not licensed under Chapter 3721. or section 5123.19 of the 38192  
Revised Code at that time. 38193

(2) The definition of "date of licensure" in this section 38194  
applies in determinations of the medicaid reimbursement rate for a 38195  
nursing facility or intermediate care facility for the mentally 38196  
retarded but does not apply in determinations of the franchise 38197  
permit fee for a nursing facility or intermediate care facility 38198  
for the mentally retarded. 38199

(G) "Desk-reviewed" means that costs as reported on a cost 38200  
report submitted under section 5111.26 of the Revised Code have 38201  
been subjected to a desk review under division (A) of section 38202  
5111.27 of the Revised Code and preliminarily determined to be 38203  
allowable costs. 38204

(H) "Direct care costs" means all of the following: 38205

(1)(a) Costs for registered nurses, licensed practical 38206  
nurses, and nurse aides employed by the facility; 38207

(b) Costs for direct care staff, administrative nursing 38208  
staff, medical directors, respiratory therapists, and except as 38209  
provided in division (H)(2) of this section, other persons holding 38210  
degrees qualifying them to provide therapy; 38211

(c) Costs of purchased nursing services; 38212

(d) Costs of quality assurance; 38213

(e) Costs of training and staff development, employee 38214

benefits, payroll taxes, and workers' compensation premiums or	38215
costs for self-insurance claims and related costs as specified in	38216
rules adopted by the director of job and family services in	38217
accordance with Chapter 119. of the Revised Code, for personnel	38218
listed in divisions (H)(1)(a), (b), and (d) of this section;	38219
(f) Costs of consulting and management fees related to direct	38220
care;	38221
(g) Allocated direct care home office costs.	38222
(2) In addition to the costs specified in division (H)(1) of	38223
this section, for nursing facilities only, direct care costs	38224
include costs of habilitation staff (other than habilitation	38225
supervisors), medical supplies, emergency oxygen, habilitation	38226
supplies, and universal precautions supplies.	38227
(3) In addition to the costs specified in division (H)(1) of	38228
this section, for intermediate care facilities for the mentally	38229
retarded only, direct care costs include both of the following:	38230
(a) Costs for physical therapists and physical therapy	38231
assistants, occupational therapists and occupational therapy	38232
assistants, speech therapists, audiologists, habilitation staff	38233
(including habilitation supervisors), qualified mental retardation	38234
professionals, program directors, social services staff,	38235
activities staff, <u>off-site day programming</u> , psychologists and	38236
psychology assistants, and social workers and counselors;	38237
(b) Costs of training and staff development, employee	38238
benefits, payroll taxes, and workers' compensation premiums or	38239
costs for self-insurance claims and related costs as specified in	38240
rules adopted under section 5111.02 of the Revised Code, for	38241
personnel listed in division (H)(3)(a) of this section.	38242
(4) Costs of other direct-care resources that are specified	38243
as direct care costs in rules adopted under section 5111.02 of the	38244
Revised Code.	38245

(I) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.	38246 38247
(J) "Franchise permit fee" means the <u>following:</u>	38248
<u>(1) In the context of nursing facilities, the fee imposed by sections 3721.50 to 3721.58 of the Revised Code;</u>	38249 38250
<u>(2) In the context of intermediate care facilities for the mentally retarded, the fee imposed by sections 5112.30 to 5112.39 of the Revised Code.</u>	38251 38252 38253
(K) "Indirect care costs" means all reasonable costs incurred by an intermediate care facility for the mentally retarded other than direct care costs, other protected costs, or capital costs. "Indirect care costs" includes but is not limited to costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repairs, help-wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5111.02 of the Revised Code, for personnel listed in this division. Notwithstanding division (C)(1) of this section, "indirect care costs" also means the cost of equipment, including vehicles, acquired by operating lease executed before December 1, 1992, if the costs are reported as administrative and general costs on the facility's cost report for the cost reporting period ending December 31, 1992.	38254 38255 38256 38257 38258 38259 38260 38261 38262 38263 38264 38265 38266 38267 38268 38269 38270 38271 38272 38273 38274 38275 38276 38277



(L) "Inpatient days" means all days during which a resident, 38278  
regardless of payment source, occupies a bed in a nursing facility 38279  
or intermediate care facility for the mentally retarded that is 38280  
included in the facility's certified capacity under Title XIX. 38281  
Therapeutic or hospital leave days for which payment is made under 38282  
section 5111.33 of the Revised Code are considered inpatient days 38283  
proportionate to the percentage of the facility's per resident per 38284  
day rate paid for those days. 38285

(M) "Intermediate care facility for the mentally retarded" 38286  
means an intermediate care facility for the mentally retarded 38287  
certified as in compliance with applicable standards for the 38288  
medicaid program by the director of health in accordance with 38289  
Title XIX. 38290

(N) "Maintenance and repair expenses" means, except as 38291  
provided in division (BB)(2) of this section, expenditures that 38292  
are necessary and proper to maintain an asset in a normally 38293  
efficient working condition and that do not extend the useful life 38294  
of the asset two years or more. "Maintenance and repair expenses" 38295  
includes but is not limited to the cost of ordinary repairs such 38296  
as painting and wallpapering. 38297

(O) "Medicaid days" means all days during which a resident 38298  
who is a Medicaid recipient eligible for nursing facility services 38299  
occupies a bed in a nursing facility that is included in the 38300  
nursing facility's certified capacity under Title XIX. Therapeutic 38301  
or hospital leave days for which payment is made under section 38302  
5111.33 of the Revised Code are considered Medicaid days 38303  
proportionate to the percentage of the nursing facility's per 38304  
resident per day rate paid for those days. 38305

(P) "Nursing facility" means a facility, or a distinct part 38306  
of a facility, that is certified as a nursing facility by the 38307  
director of health in accordance with Title XIX and is not an 38308  
intermediate care facility for the mentally retarded. "Nursing 38309

facility" includes a facility, or a distinct part of a facility, 38310  
that is certified as a nursing facility by the director of health 38311  
in accordance with Title XIX and is certified as a skilled nursing 38312  
facility by the director in accordance with Title XVIII. 38313

(Q) "Operator" means the person or government entity 38314  
responsible for the daily operating and management decisions for a 38315  
nursing facility or intermediate care facility for the mentally 38316  
retarded. 38317

(R) "Other protected costs" means costs incurred by an 38318  
intermediate care facility for the mentally retarded for medical 38319  
supplies; real estate, franchise, and property taxes; natural gas, 38320  
fuel oil, water, electricity, sewage, and refuse and hazardous 38321  
medical waste collection; allocated other protected home office 38322  
costs; and any additional costs defined as other protected costs 38323  
in rules adopted under section 5111.02 of the Revised Code. 38324

(S)(1) "Owner" means any person or government entity that has 38325  
at least five per cent ownership or interest, either directly, 38326  
indirectly, or in any combination, in any of the following 38327  
regarding a nursing facility or intermediate care facility for the 38328  
mentally retarded: 38329

(a) The land on which the facility is located; 38330

(b) The structure in which the facility is located; 38331

(c) Any mortgage, contract for deed, or other obligation 38332  
secured in whole or in part by the land or structure on or in 38333  
which the facility is located; 38334

(d) Any lease or sublease of the land or structure on or in 38335  
which the facility is located. 38336

(2) "Owner" does not mean a holder of a debenture or bond 38337  
related to the nursing facility or intermediate care facility for 38338  
the mentally retarded and purchased at public issue or a regulated 38339

lender that has made a loan related to the facility unless the 38340  
holder or lender operates the facility directly or through a 38341  
subsidiary. 38342

(T) "Patient" includes "resident." 38343

(U) Except as provided in divisions (U)(1) and (2) of this 38344  
section, "per diem" means a nursing facility's or intermediate 38345  
care facility for the mentally retarded's actual, allowable costs 38346  
in a given cost center in a cost reporting period, divided by the 38347  
facility's inpatient days for that cost reporting period. 38348

(1) When calculating indirect care costs for the purpose of 38349  
establishing rates under section 5111.241 of the Revised Code, 38350  
"per diem" means an intermediate care facility for the mentally 38351  
retarded's actual, allowable indirect care costs in a cost 38352  
reporting period divided by the greater of the facility's 38353  
inpatient days for that period or the number of inpatient days the 38354  
facility would have had during that period if its occupancy rate 38355  
had been eighty-five per cent. 38356

(2) When calculating capital costs for the purpose of 38357  
establishing rates under section 5111.251 of the Revised Code, 38358  
"per diem" means a facility's actual, allowable capital costs in a 38359  
cost reporting period divided by the greater of the facility's 38360  
inpatient days for that period or the number of inpatient days the 38361  
facility would have had during that period if its occupancy rate 38362  
had been ninety-five per cent. 38363

(V) "Provider" means an operator with a provider agreement. 38364

(W) "Provider agreement" means a contract between the 38365  
department of job and family services and the operator of a 38366  
nursing facility or intermediate care facility for the mentally 38367  
retarded for the provision of nursing facility services or 38368  
intermediate care facility services for the mentally retarded 38369  
under the medicaid program. 38370

(X) "Purchased nursing services" means services that are 38371  
provided in a nursing facility by registered nurses, licensed 38372  
practical nurses, or nurse aides who are not employees of the 38373  
facility. 38374

(Y) "Reasonable" means that a cost is an actual cost that is 38375  
appropriate and helpful to develop and maintain the operation of 38376  
patient care facilities and activities, including normal standby 38377  
costs, and that does not exceed what a prudent buyer pays for a 38378  
given item or services. Reasonable costs may vary from provider to 38379  
provider and from time to time for the same provider. 38380

(Z) "Related party" means an individual or organization that, 38381  
to a significant extent, has common ownership with, is associated 38382  
or affiliated with, has control of, or is controlled by, the 38383  
provider. 38384

(1) An individual who is a relative of an owner is a related 38385  
party. 38386

(2) Common ownership exists when an individual or individuals 38387  
possess significant ownership or equity in both the provider and 38388  
the other organization. Significant ownership or equity exists 38389  
when an individual or individuals possess five per cent ownership 38390  
or equity in both the provider and a supplier. Significant 38391  
ownership or equity is presumed to exist when an individual or 38392  
individuals possess ten per cent ownership or equity in both the 38393  
provider and another organization from which the provider 38394  
purchases or leases real property. 38395

(3) Control exists when an individual or organization has the 38396  
power, directly or indirectly, to significantly influence or 38397  
direct the actions or policies of an organization. 38398

(4) An individual or organization that supplies goods or 38399  
services to a provider shall not be considered a related party if 38400  
all of the following conditions are met: 38401

(a) The supplier is a separate bona fide organization.	38402
(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.	38403 38404 38405 38406
(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.	38407 38408 38409 38410 38411
(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.	38412 38413 38414 38415
(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:	38416 38417 38418
(1) Spouse;	38419
(2) Natural parent, child, or sibling;	38420
(3) Adopted parent, child, or sibling;	38421
(4) Stepparent, stepchild, stepbrother, or stepsister;	38422
(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;	38423 38424
(6) Grandparent or grandchild;	38425
(7) Foster caregiver, foster child, foster brother, or foster sister.	38426 38427
(BB) "Renovation" and "extensive renovation" mean:	38428
(1) Any betterment, improvement, or restoration of an intermediate care facility for the mentally retarded started	38429 38430

before July 1, 1993, that meets the definition of a renovation or 38431  
extensive renovation established in rules adopted by the director 38432  
of job and family services in effect on December 22, 1992. 38433

(2) In the case of betterments, improvements, and 38434  
restorations of intermediate care facilities for the mentally 38435  
retarded started on or after July 1, 1993: 38436

(a) "Renovation" means the betterment, improvement, or 38437  
restoration of an intermediate care facility for the mentally 38438  
retarded beyond its current functional capacity through a 38439  
structural change that costs at least five hundred dollars per 38440  
bed. A renovation may include betterment, improvement, 38441  
restoration, or replacement of assets that are affixed to the 38442  
building and have a useful life of at least five years. A 38443  
renovation may include costs that otherwise would be considered 38444  
maintenance and repair expenses if they are an integral part of 38445  
the structural change that makes up the renovation project. 38446  
"Renovation" does not mean construction of additional space for 38447  
beds that will be added to a facility's licensed or certified 38448  
capacity. 38449

(b) "Extensive renovation" means a renovation that costs more 38450  
than sixty-five per cent and no more than eighty-five per cent of 38451  
the cost of constructing a new bed and that extends the useful 38452  
life of the assets for at least ten years. 38453

For the purposes of division (BB)(2) of this section, the 38454  
cost of constructing a new bed shall be considered to be forty 38455  
thousand dollars, adjusted for the estimated rate of inflation 38456  
from January 1, 1993, to the end of the calendar year during which 38457  
the renovation is completed, using the consumer price index for 38458  
shelter costs for all urban consumers for the north central 38459  
region, as published by the United States bureau of labor 38460  
statistics. 38461

The department of job and family services may treat a 38462  
renovation that costs more than eighty-five per cent of the cost 38463  
of constructing new beds as an extensive renovation if the 38464  
department determines that the renovation is more prudent than 38465  
construction of new beds. 38466

(CC) "Title XIX" means Title XIX of the "Social Security 38467  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 38468

(DD) "Title XVIII" means Title XVIII of the "Social Security 38469  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 38470

Sec. 5111.84. The director of job and family services may not 38471  
submit a request to the United States secretary of health and 38472  
human services for a medicaid waiver under section 1115 of the 38473  
"Social Security Act of 1935," 42 U.S.C. 1315, unless the director 38474  
provides the speaker of the house of representatives and president 38475  
of the senate written notice of director's intent to submit the 38476  
request at least ten days before the date the director submits the 38477  
request to the United States secretary. The notice shall include a 38478  
detailed explanation of the medicaid waiver the director proposes 38479  
to seek. 38480

Sec. 5111.861. (A) "Home and community-based services 38481  
medicaid waiver component" has the same meaning as in section 38482  
5111.851 of the Revised Code. 38483

(B) The director shall submit a request to the United States 38484  
secretary of health and human services to approve amendments to 38485  
one or more home and community-based services medicaid waiver 38486  
components to do one or more of the following: 38487

(1) Allow a participant receiving services under a component 38488  
to retain eligibility for those services while participating in 38489  
the medicaid buy-in program established under section 5111.0119 of 38490  
the Revised Code. 38491

(2) Make changes to one or more components so that the 38492  
component or components contains one or more features of the 38493  
medicaid buy-in program established under section 5111.0119 of the 38494  
Revised Code. 38495

**Sec. 5111.871.** The department of job and family services 38496  
shall enter into a contract with the department of mental 38497  
retardation and developmental disabilities under section 5111.91 38498  
of the Revised Code with regard to one or more of the components 38499  
of the medicaid program established by the department of job and 38500  
family services under one or more of the medicaid waivers sought 38501  
under section 5111.87 of the Revised Code. The contract shall 38502  
provide for the department of mental retardation and developmental 38503  
disabilities to administer the components in accordance with the 38504  
terms of the waivers. The directors of job and family services and 38505  
mental retardation and developmental disabilities shall adopt 38506  
rules in accordance with Chapter 119. of the Revised Code 38507  
governing the components. 38508

If the department of mental retardation and developmental 38509  
disabilities or the department of job and family services denies 38510  
an individual's application for home and community-based services 38511  
provided under any of these medicaid components, the department 38512  
that denied the services shall give timely notice to the 38513  
individual that the individual may request a hearing under section 38514  
5101.35 of the Revised Code. 38515

The departments of mental retardation and developmental 38516  
disabilities and job and family services may approve, reduce, 38517  
deny, or terminate a service included in the individualized 38518  
service plan developed for a medicaid recipient eligible for home 38519  
and community-based services provided under any of these medicaid 38520  
components. The departments shall consider the recommendations a 38521  
county board of mental retardation and developmental disabilities 38522



makes under division (A)(1)(c) of section 5126.055 of the Revised Code. If either department approves, reduces, denies, or terminates a service, that department shall give timely notice to the medicaid recipient that the recipient may request a hearing under section 5101.35 of the Revised Code.

If supported living ~~or residential services~~, as defined in section 5126.01 of the Revised Code, ~~are~~ is to be provided as a service under any of these components, any person or government entity with a current, valid medicaid provider agreement and a current, valid ~~license under section 5123.19~~ or certificate under section ~~5123.16 or 5126.431~~ 5123.161 of the Revised Code may provide the ~~services~~ service.

If a service is to be provided under any of these components by a residential facility, as defined in section 5123.19 of the Revised Code, any person or government entity with a current, valid medicaid provider agreement and a current, valid license under section 5123.19 of the Revised Code may provide the service.

**Sec. 5111.8814.** An intermediate care facility for the mentally retarded that converts in whole to providing home and community-based services under the ICF/MR conversion pilot program shall either be licensed as a residential facility under section 5123.19 of the Revised Code or certified to provide supported living under section ~~5126.431~~ 5123.161 of the Revised Code. If an intermediate care facility for the mentally retarded converts in part to providing such home and community-based services, the distinct part of the facility that provides the home and community-based services shall either be licensed as a residential facility under section 5123.19 of the Revised Code or certified to provide supported living under section ~~5126.431~~ 5123.161 of the Revised Code. The facility or distinct part of the facility shall be licensed as a residential facility rather than certified to

provide supported living if it meets the definition of 38554  
"residential facility" in section 5123.19 of the Revised Code. 38555

**Sec. 5112.341.** (A) In addition to assessing a penalty 38556  
pursuant to section 5112.34 of the Revised Code, the department of 38557  
job and family services may do either or both of the following if 38558  
an intermediate care facility for the mentally retarded fails to 38559  
pay the full amount of a franchise permit fee installment when 38560  
due: 38561

(1) ~~Withhold~~ Offset an amount less than or equal to the 38562  
installment and penalty assessed under section 5112.34 of the 38563  
Revised Code from a medicaid payment due the facility ~~until the~~ 38564  
~~facility pays the installment and penalty;~~ 38565

(2) Terminate the facility's medicaid provider agreement. 38566

(B) The department may ~~withhold~~ offset a medicaid payment 38567  
under division (A)(1) of this section without providing notice to 38568  
the intermediate care facility for the mentally retarded and 38569  
without conducting an adjudication under Chapter 119. of the 38570  
Revised Code. 38571

**Sec. 5115.12.** (A) The director of job and family services 38572  
shall adopt rules in accordance with section 111.15 of the Revised 38573  
Code governing the disability medical assistance program. The 38574  
rules may establish or specify any or all of the following: 38575

(1) Income, resource, citizenship, age, residence, living 38576  
arrangement, and other eligibility requirements; 38577

(2) Health services to be included in the program; 38578

(3) The maximum authorized amount, scope, duration, or limit 38579  
of payment for services; 38580

(4) Limits on the length of time an individual may receive 38581  
disability medical assistance; 38582

(5) Limits on the total number of individuals in the state 38583  
who may receive disability medical assistance; 38584

(6) Limits on the number and types of providers eligible to 38585  
be reimbursed for services provided to individuals enrolled in the 38586  
program. 38587

(B) For purposes of limiting the cost of the disability 38588  
medical assistance program, the director may do either of the 38589  
following: 38590

(1) Adopt rules in accordance with section 111.15 of the 38591  
Revised Code that revise the program's eligibility requirements; 38592  
the maximum authorized amount, scope, duration, or limit of 38593  
payment for services included in the program; or any other 38594  
requirement or standard established or specified by rules adopted 38595  
under division (A) of this section or under section 5115.10 of the 38596  
Revised Code; 38597

(2) Suspend acceptance of applications for disability medical 38598  
assistance. While a suspension is in effect, no person shall 38599  
receive a determination or redetermination of eligibility for 38600  
disability medical assistance unless the person was receiving the 38601  
assistance during the month immediately preceding the suspension's 38602  
effective date or the person submitted an application prior to the 38603  
suspension's effective date and receives a determination of 38604  
eligibility based on that application. The director may adopt 38605  
rules in accordance with section 111.15 of the Revised Code 38606  
establishing requirements and specifying procedures applicable to 38607  
the suspension of acceptance of applications. 38608

**Sec. 5119.611.** (A) A community mental health agency that 38609  
seeks certification of its community mental health services shall 38610  
submit an application to the director of mental health. On receipt 38611  
of the application, the director may visit and shall evaluate the 38612  
agency to determine whether its services satisfy the standards 38613

established by rules adopted under division ~~(D)~~(C) of this 38614  
section. The director shall make the evaluation, and, if the 38615  
director visits the agency, shall make the visit, in cooperation 38616  
with the board of alcohol, drug addiction, and mental health 38617  
services with which the agency seeks to contract under division 38618  
(A)(8)(a) of section 340.03 of the Revised Code. 38619

~~Subject to divisions (B) and (C) of this section~~ If the 38620  
director determines that a community mental health agency's 38621  
services satisfy the standards and the agency has paid the fee 38622  
required under division (B) of this section, the director shall 38623  
certify ~~a community mental health agency's~~ the services that the 38624  
~~director determines satisfy the standards.~~ 38625

If the director determines that a community mental health 38626  
agency's services do not satisfy the standards, the director shall 38627  
identify the areas of noncompliance, specify what action is 38628  
necessary to satisfy the standards, and offer technical assistance 38629  
to the board of alcohol, drug addiction, and mental health 38630  
services so that the board may assist the agency in satisfying the 38631  
standards. The director shall give the agency a reasonable time 38632  
within which to demonstrate that its services satisfy the 38633  
standards or to bring the services into compliance with the 38634  
standards. If the director concludes that the services continue to 38635  
fail to satisfy the standards, the director may request that the 38636  
board reallocate the funds for the community mental health 38637  
services the agency was to provide to another community mental 38638  
health agency whose community mental health services satisfy the 38639  
standards. If the board does not reallocate those funds in a 38640  
reasonable period of time, the director may withhold state and 38641  
federal funds for the community mental health services and 38642  
allocate those funds directly to a community mental health agency 38643  
whose community mental health services satisfy the standards. 38644

(B) Each community mental health agency seeking certification 38645

of its community mental health services under this section shall 38646  
pay a fee for the certification review required by this section. 38647  
Fees shall be paid into the sale of goods and services fund 38648  
created pursuant to section 5119.161 of the Revised Code. 38649

~~(C) The director may certify a community mental health 38650  
service only if the service is for individuals whose focus of 38651  
treatment is a mental disorder according to the edition of the 38652  
American psychiatric association's diagnostic and statistical 38653  
manual of mental disorders that is current at the time the 38654  
director issues the certification, including such services for 38655  
individuals who have a mental disorder and a co occurring 38656  
substance use disorder, substance induced disorder, chronic 38657  
dementing organic mental disorder, mental retardation, or 38658  
developmental disability. The director may not certify a service 38659  
that is for individuals whose focus of treatment is solely a 38660  
substance use disorder, substance induced disorder, chronic 38661  
dementing organic mental disorder, mental retardation, or 38662  
developmental disability. 38663~~

~~(D) The director shall adopt rules in accordance with Chapter 38664  
119. of the Revised Code to implement this section. The rules 38665  
shall do all of the following: 38666~~

~~(1) Establish certification standards for community mental 38667  
health services, including assertive community treatment and 38668  
intensive home-based mental health services, that are consistent 38669  
with nationally recognized applicable standards and facilitate 38670  
participation in federal assistance programs. The rules shall 38671  
include as certification standards only requirements that improve 38672  
the quality of services or the health and safety of clients of 38673  
community mental health services. The standards shall address at a 38674  
minimum all of the following: 38675~~

~~(a) Reporting major unusual incidents to the director; 38676~~

(b) Procedures for applicants for and clients of community mental health services to file grievances and complaints;	38677 38678
(c) Seclusion;	38679
(d) Restraint;	38680
(e) Development of written policies addressing the rights of clients, including all of the following:	38681 38682
(i) The right to a copy of the written policies addressing client rights;	38683 38684
(ii) The right at all times to be treated with consideration and respect for the client's privacy and dignity;	38685 38686
(iii) The right to have access to the client's own psychiatric, medical, or other treatment records unless access is specifically restricted in the client's treatment plan for clear treatment reasons;	38687 38688 38689 38690
(iv) The right to have a client rights officer provided by the agency or board of alcohol, drug addiction, and mental health services advise the client of the client's rights, including the client's rights under Chapter 5122. of the Revised Code if the client is committed to the agency or board.	38691 38692 38693 38694 38695
(2) Establish standards for qualifications of mental health professionals as defined in section 340.02 of the Revised Code and personnel who provide the community mental health services;	38696 38697 38698
(3) Establish the process for certification of community mental health services;	38699 38700
(4) Set the amount of certification review fees based on a portion of the cost of performing the review;	38701 38702
(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.	38703 38704
<b>Sec. 5123.01.</b> As used in this chapter:	38705

(A) "Chief medical officer" means the licensed physician 38706  
appointed by the managing officer of an institution for the 38707  
mentally retarded with the approval of the director of mental 38708  
retardation and developmental disabilities to provide medical 38709  
treatment for residents of the institution. 38710

(B) "Chief program director" means a person with special 38711  
training and experience in the diagnosis and management of the 38712  
mentally retarded, certified according to division (C) of this 38713  
section in at least one of the designated fields, and appointed by 38714  
the managing officer of an institution for the mentally retarded 38715  
with the approval of the director to provide habilitation and care 38716  
for residents of the institution. 38717

(C) "Comprehensive evaluation" means a study, including a 38718  
sequence of observations and examinations, of a person leading to 38719  
conclusions and recommendations formulated jointly, with 38720  
dissenting opinions if any, by a group of persons with special 38721  
training and experience in the diagnosis and management of persons 38722  
with mental retardation or a developmental disability, which group 38723  
shall include individuals who are professionally qualified in the 38724  
fields of medicine, psychology, and social work, together with 38725  
such other specialists as the individual case may require. 38726

(D) "Education" means the process of formal training and 38727  
instruction to facilitate the intellectual and emotional 38728  
development of residents. 38729

(E) "Habilitation" means the process by which the staff of 38730  
the institution assists the resident in acquiring and maintaining 38731  
those life skills that enable the resident to cope more 38732  
effectively with the demands of the resident's own person and of 38733  
the resident's environment and in raising the level of the 38734  
resident's physical, mental, social, and vocational efficiency. 38735  
Habilitation includes but is not limited to programs of formal, 38736  
structured education and training. 38737

(F) "Health officer" means any public health physician, 38738  
public health nurse, or other person authorized or designated by a 38739  
city or general health district. 38740

(G) "Home and community-based services" means medicaid-funded 38741  
home and community-based services specified in division (B)(1) of 38742  
section 5111.87 of the Revised Code provided under the medicaid 38743  
waiver components the department of mental retardation and 38744  
developmental disabilities administers pursuant to section 38745  
5111.871 of the Revised Code. 38746

(H) "Indigent person" means a person who is unable, without 38747  
substantial financial hardship, to provide for the payment of an 38748  
attorney and for other necessary expenses of legal representation, 38749  
including expert testimony. 38750

(I) "Institution" means a public or private facility, or a 38751  
part of a public or private facility, that is licensed by the 38752  
appropriate state department and is equipped to provide 38753  
residential habilitation, care, and treatment for the mentally 38754  
retarded. 38755

(J) "Licensed physician" means a person who holds a valid 38756  
certificate issued under Chapter 4731. of the Revised Code 38757  
authorizing the person to practice medicine and surgery or 38758  
osteopathic medicine and surgery, or a medical officer of the 38759  
government of the United States while in the performance of the 38760  
officer's official duties. 38761

(K) "Managing officer" means a person who is appointed by the 38762  
director of mental retardation and developmental disabilities to 38763  
be in executive control of an institution for the mentally 38764  
retarded under the jurisdiction of the department. 38765

(L) "Medicaid" has the same meaning as in section 5111.01 of 38766  
the Revised Code. 38767

(M) "Medicaid case management services" means case management 38768



services provided to an individual with mental retardation or 38769  
other developmental disability that the state medicaid plan 38770  
requires. 38771

(N) "Mentally retarded person" means a person having 38772  
significantly subaverage general intellectual functioning existing 38773  
concurrently with deficiencies in adaptive behavior, manifested 38774  
during the developmental period. 38775

(O) "Mentally retarded person subject to institutionalization 38776  
by court order" means a person eighteen years of age or older who 38777  
is at least moderately mentally retarded and in relation to whom, 38778  
because of the person's retardation, either of the following 38779  
conditions exist: 38780

(1) The person represents a very substantial risk of physical 38781  
impairment or injury to self as manifested by evidence that the 38782  
person is unable to provide for and is not providing for the 38783  
person's most basic physical needs and that provision for those 38784  
needs is not available in the community; 38785

(2) The person needs and is susceptible to significant 38786  
habilitation in an institution. 38787

(P) "A person who is at least moderately mentally retarded" 38788  
means a person who is found, following a comprehensive evaluation, 38789  
to be impaired in adaptive behavior to a moderate degree and to be 38790  
functioning at the moderate level of intellectual functioning in 38791  
accordance with standard measurements as recorded in the most 38792  
current revision of the manual of terminology and classification 38793  
in mental retardation published by the American association on 38794  
mental retardation. 38795

(Q) As used in this division, "substantial functional 38796  
limitation," "developmental delay," and "established risk" have 38797  
the meanings established pursuant to section 5123.011 of the 38798  
Revised Code. 38799

"Developmental disability" means a severe, chronic disability that is characterized by all of the following:	38800 38801
(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.	38802 38803 38804 38805
(2) It is manifested before age twenty-two.	38806
(3) It is likely to continue indefinitely.	38807
(4) It results in one of the following:	38808
(a) In the case of a person under three years of age, at least one developmental delay or an established risk;	38809 38810
(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;	38811 38812 38813
(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.	38814 38815 38816 38817 38818 38819 38820
(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.	38821 38822 38823 38824
(R) "Developmentally disabled person" means a person with a developmental disability.	38825 38826
(S) "State institution" means an institution that is tax-supported and under the jurisdiction of the department.	38827 38828
(T) "Residence" and "legal residence" have the same meaning	38829

as "legal settlement," which is acquired by residing in Ohio for a 38830  
period of one year without receiving general assistance prior to 38831  
July 17, 1995, under former Chapter 5113. of the Revised Code, 38832  
financial assistance under Chapter 5115. of the Revised Code, or 38833  
assistance from a private agency that maintains records of 38834  
assistance given. A person having a legal settlement in the state 38835  
shall be considered as having legal settlement in the assistance 38836  
area in which the person resides. No adult person coming into this 38837  
state and having a spouse or minor children residing in another 38838  
state shall obtain a legal settlement in this state as long as the 38839  
spouse or minor children are receiving public assistance, care, or 38840  
support at the expense of the other state or its subdivisions. For 38841  
the purpose of determining the legal settlement of a person who is 38842  
living in a public or private institution or in a home subject to 38843  
licensing by the department of job and family services, the 38844  
department of mental health, or the department of mental 38845  
retardation and developmental disabilities, the residence of the 38846  
person shall be considered as though the person were residing in 38847  
the county in which the person was living prior to the person's 38848  
entrance into the institution or home. Settlement once acquired 38849  
shall continue until a person has been continuously absent from 38850  
Ohio for a period of one year or has acquired a legal residence in 38851  
another state. A woman who marries a man with legal settlement in 38852  
any county immediately acquires the settlement of her husband. The 38853  
legal settlement of a minor is that of the parents, surviving 38854  
parent, sole parent, parent who is designated the residential 38855  
parent and legal custodian by a court, other adult having 38856  
permanent custody awarded by a court, or guardian of the person of 38857  
the minor, provided that: 38858

(1) A minor female who marries shall be considered to have 38859  
the legal settlement of her husband and, in the case of death of 38860  
her husband or divorce, she shall not thereby lose her legal 38861  
settlement obtained by the marriage. 38862

(2) A minor male who marries, establishes a home, and who has resided in this state for 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 shall be considered to have obtained a legal settlement in this state.

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

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

(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, 38894  
Wednesday, Thursday, and Friday, except when such day is a legal 38895  
holiday. 38896

(X) "Prosecutor" means the prosecuting attorney, village 38897  
solicitor, city director of law, or similar chief legal officer 38898  
who prosecuted a criminal case in which a person was found not 38899  
guilty by reason of insanity, who would have had the authority to 38900  
prosecute a criminal case against a person if the person had not 38901  
been found incompetent to stand trial, or who prosecuted a case in 38902  
which a person was found guilty. 38903

(Y) "Court" means the probate division of the court of common 38904  
pleas. 38905

(Z) "Supported living" has the same meaning as in section 38906  
5126.01 of the Revised Code. 38907

Sec. 5123.033. The program fee fund is hereby created in the 38908  
state treasury. All fees collected pursuant to sections 5123.161, 38909  
5123.164, 5123.19, and 5126.25 of the Revised Code shall be 38910  
credited to the fund. Money credited to the fund shall be used 38911  
solely for the department of mental retardation and developmental 38912  
disabilities' duties under sections 5123.16 to 5123.169, 5123.19, 38913  
and 5126.25 of the Revised Code and to provide continuing 38914  
education and professional training to employees of county boards 38915  
of mental retardation and developmental disabilities for the 38916  
purpose of section 5126.25 of the Revised Code and other providers 38917  
of services to individuals with mental retardation or a 38918  
developmental disability. If the money credited to the fund is 38919  
inadequate to pay all of the department's costs in performing 38920  
those duties and providing the continuing education and 38921  
professional training, the department may use other available 38922  
funds appropriated to the department to pay the remaining costs of 38923  
performing those duties and providing the continuing education and 38924

professional training. 38925

**Sec. 5123.043.** (A) The director of mental retardation and 38926  
developmental disabilities shall adopt rules establishing 38927  
procedures for administrative resolution of complaints filed under 38928  
division (B) of this section and section 5126.06 of the Revised 38929  
Code. The rules shall be adopted in accordance with Chapter 119. 38930  
of the Revised Code. 38931

(B) Except as provided in division (C) of this section, any 38932  
person or county board of mental retardation and developmental 38933  
disabilities that has a complaint involving any of the programs, 38934  
services, policies, or administrative practices of the department 38935  
of mental retardation and developmental disabilities or any of the 38936  
entities under contract with the department, may file a complaint 38937  
with the department. Prior to commencing a civil action regarding 38938  
the complaint, a person or county board shall attempt to have the 38939  
complaint resolved through the administrative resolution process 38940  
established in the rules adopted under this section. After 38941  
exhausting the administrative resolution process, the person or 38942  
county board may commence a civil action if the complaint is not 38943  
settled to the person's or county board's satisfaction. 38944

(C) An employee of the department may not file under this 38945  
section a complaint related to the terms and conditions of 38946  
employment for the employee. 38947

~~(D) This section does not apply to a conflict between a 38948  
county board of mental retardation and developmental disabilities 38949  
and a person or government entity that provides or seeks to 38950  
provide services to an individual with mental retardation or other 38951  
developmental disability. Section 5126.036 of the Revised Code 38952  
applies to such a conflict. 38953~~

**Sec. 5123.045.** No person or government entity shall receive 38954

payment for providing home and community-based services unless the person or government entity is one of the following:

(A) Certified under section ~~5123.16~~ 5123.161 of the Revised Code;

(B) Licensed as a residential facility under section 5123.19 of the Revised Code.

**Sec. 5123.0414.** (A) When the director of mental retardation and developmental disabilities, under section 119.07 of the Revised Code, sends a party a notice by registered mail, return receipt requested, that the director intends to take action against the party authorized by section 5123.082, 5123.166, 5123.168, 5123.19, 5123.45, 5123.51, or 5126.25 of the Revised Code and the notice is returned to the director with an endorsement indicating that the notice was refused or unclaimed, the director shall resend the notice by ordinary mail to the party.

(B) If the original notice was refused, the notice shall be deemed received as of the date the director resends the notice.

(C) If the original notice was unclaimed, the notice shall be deemed received as of the date the director resends the notice unless, not later than thirty days after the date the director sent the original notice, the resent notice is returned to the director for failure of delivery.

If the notice concerns taking action under section 5123.51 of the Revised Code and the resent notice is returned to the director for failure of delivery not later than thirty days after the date the director sent the original notice, the director shall cause the notice to be published in a newspaper of general circulation in the county of the party's last known residence or business and shall mail a dated copy of the published notice to the party at

the last known address. The notice shall be deemed received as of 38985  
the date of the publication. 38986

If the notice concerns taking action under section 5123.082, 38987  
5123.166, 5123.168, 5123.19, 5123.45, or 5126.25 of the Revised 38988  
Code and the resent notice is returned to the director for failure 38989  
of delivery not later than thirty days after the date the director 38990  
sent the original notice, the director shall resend the notice to 38991  
the party a second time. The notice shall be deemed received as of 38992  
the date the director resends the notice the second time. 38993

Sec. 5123.0415. As used in this section, "license" means a 38994  
license, certificate, or evidence of registration. 38995

Each person and government entity that applies for or holds a 38996  
valid license issued under section 5123.082, 5123.161, 5123.19, 38997  
5123.45, 5126.25, or 5126.252 of the Revised Code shall notify the 38998  
director of mental retardation and developmental disabilities of 38999  
any change in the person or government entity's address. 39000

**Sec. 5123.051.** (A) If the department of mental retardation 39001  
and developmental disabilities determines pursuant to an audit 39002  
conducted under section 5123.05 of the Revised Code or a 39003  
reconciliation conducted under section 5123.18 ~~or 5123.199~~ of the 39004  
Revised Code that money is owed the state by a provider of a 39005  
service or program, the department may enter into a payment 39006  
agreement with the provider. The agreement shall include the 39007  
following: 39008

(1) A schedule of installment payments whereby the money owed 39009  
the state is to be paid in full within a period not to exceed one 39010  
year; 39011

(2) A provision that the provider may pay the entire balance 39012  
owed at any time during the term of the agreement; 39013

(3) A provision that if any installment is not paid in full 39014



within forty-five days after it is due, the entire balance owed is 39015  
immediately due and payable; 39016

(4) Any other terms and conditions that are agreed to by the 39017  
department and the provider. 39018

(B) The department may include a provision in a payment 39019  
agreement that requires the provider to pay interest on the money 39020  
owed the state. The department, in its discretion, shall determine 39021  
whether to require the payment of interest and, if it so requires, 39022  
the rate of interest. Neither the obligation to pay interest nor 39023  
the rate of interest is subject to negotiation between the 39024  
department and the provider. 39025

(C) If the provider fails to pay any installment in full 39026  
within forty-five days after its due date, the department shall 39027  
certify the entire balance owed to the attorney general for 39028  
collection under section 131.02 of the Revised Code. The 39029  
department may withhold funds from payments made to a provider 39030  
under section 5123.18 ~~or 5123.199~~ of the Revised Code to satisfy a 39031  
judgment secured by the attorney general. 39032

(D) The purchase of service fund is hereby created. Money 39033  
credited to the fund shall be used solely for purposes of section 39034  
5123.05 of the Revised Code. 39035

Sec. 5123.16. (A) As used in sections 5123.16 to 5123.169 of 39036  
the Revised Code: 39037

(1) "Provider" means a person or government entity certified 39038  
by the director of mental retardation and developmental 39039  
disabilities to provide supported living. 39040

(2) "Related party" means any of the following: 39041

(a) In the case of a provider who is an individual, any of 39042  
the following: 39043

(i) The spouse of the provider; 39044

<u>(ii) A parent or stepparent of the provider or provider's spouse;</u>	39045
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<u>(iii) A child of the provider or provider's spouse;</u>	39047
<u>(iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse;</u>	39048
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<u>(v) A grandparent of the provider or provider's spouse;</u>	39050
<u>(vi) A grandchild of the provider or provider's spouse;</u>	39051
<u>(vii) An employee or employer of the provider or provider's spouse.</u>	39052
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<u>(b) In the case of a provider that is a person other than an individual, any of the following:</u>	39054
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<u>(i) An employee of the person;</u>	39056
<u>(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;</u>	39057
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<u>(iii) A member of the provider's board of directors or trustees;</u>	39060
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<u>(iv) A person owning a financial interest of five per cent or more in the provider;</u>	39062
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<u>(v) A corporation that has a subsidiary relationship with the provider;</u>	39064
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<u>(vi) A person or government entity that has control over the provider's day-to-day operation;</u>	39066
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<u>(vii) A person over which the provider has control of the day-to-day operation.</u>	39068
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<u>(c) In the case of a provider that is a government entity, any of the following:</u>	39070
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<u>(i) An employee of the provider;</u>	39072

<u>(ii) An officer of the provider;</u>	39073
<u>(iii) A member of the provider's governing board;</u>	39074
<u>(iv) A government entity that has control over the provider's day-to-day operation;</u>	39075 39076
<u>(v) A person or government entity over which the provider has control of the day-to-day operation.</u>	39077 39078
<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>	39079 39080 39081
<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>	39082 39083 39084 39085
<u>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.</u>	39086 39087 39088 39089
<u>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.</u>	39090 39091 39092 39093 39094 39095 39096
<u>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</u>	39097 39098 39099 39100 39101

providers to determine whether the providers continue to meet the 39102  
certification standards. The director shall conduct the surveys in 39103  
accordance with rules adopted under section 5123.169 of the 39104  
Revised Code. 39105

The records of surveys conducted under this section are 39106  
public records for the purpose of section 149.43 of the Revised 39107  
Code and shall be made available on the request of any person or 39108  
government entity. 39109

**Sec. 5123.163.** A supported living certificate is valid for a 39110  
period of time established in rules adopted under section 5123.169 39111  
of the Revised Code, unless any of the following occur before the 39112  
end of that period of time: 39113

(A) The director of mental retardation and developmental 39114  
disabilities issues an order requiring that action be taken 39115  
against the certificate holder under section 5123.166 of the 39116  
Revised Code. 39117

(B) The director issues an order terminating the certificate 39118  
under section 5123.168 of the Revised Code. 39119

(C) The certificate holder voluntarily surrenders the 39120  
certificate to the director. 39121

**Sec. 5123.164.** Except as provided in section 5123.166 of the 39122  
Revised Code, the director of mental retardation and developmental 39123  
disabilities shall renew a supported living certificate if the 39124  
certificate holder follows the renewal process established in 39125  
rules adopted under section 5123.169 of the Revised Code, 39126  
continues to meet the applicable certification standards 39127  
established in those rules, and pays the renewal fee established 39128  
in those rules. 39129

**Sec. 5123.165.** (A) Except as provided in division (B) of this 39130

section, no person or government entity may provide supported living to an individual with mental retardation or a developmental disability if the person or government entity or a related party of the person or government entity also provides the individual a residence. 39131  
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(B) A person may provide supported living to an individual with mental retardation or a developmental disability even though the person or a related party of the person also provides the individual a residence if either of the following apply: 39136  
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(1) The person also resides in the residence with the individual and does not provide at any one time supported living to more than a total of three individuals with mental retardation or a developmental disability who reside in that residence; 39140  
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(2) The person is an association of family members related to two or more of the individuals with mental retardation or a developmental disability who reside in the residence and does not provide at any one time supported living to more than a total of four individuals with mental retardation or a developmental disability who reside in that residence. 39144  
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**Sec. 5123.166.** (A) If good cause exists as specified in division (B) of this section and determined in accordance with procedures established in rules adopted under section 5123.169 of the Revised Code, the director of mental retardation and developmental disabilities may issue an adjudication order requiring that one of the following actions be taken against a person or government entity seeking or holding a supported living certificate: 39150  
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(1) Refusal to issue or renew a supported living certificate; 39158

(2) Revocation of a supported living certificate; 39159

(3) Suspension of a supported living certificate holder's 39160

<u>authority to do either or both of the following:</u>	39161
<u>(a) Continue to provide supported living to one or more</u>	39162
<u>individuals from one or more counties who receive supported living</u>	39163
<u>from the certificate holder at the time the director takes the</u>	39164
<u>action;</u>	39165
<u>(b) Begin to provide supported living to one or more</u>	39166
<u>individuals from one or more counties who do not receive supported</u>	39167
<u>living from the certificate holder at the time the director takes</u>	39168
<u>the action.</u>	39169
<u>(B) The following constitute good cause for taking action</u>	39170
<u>under division (A) of this section against a person or government</u>	39171
<u>entity seeking or holding a supported living certificate:</u>	39172
<u>(1) The person or government entity's failure to meet or</u>	39173
<u>continue to meet the applicable certification standards</u>	39174
<u>established in rules adopted under section 5123.169 of the Revised</u>	39175
<u>Code;</u>	39176
<u>(2) The person or government entity violates section 5123.165</u>	39177
<u>of the Revised Code;</u>	39178
<u>(3) The person or government entity's failure to satisfy the</u>	39179
<u>requirements of section 5123.52, 5126.28, or 5126.281 of the</u>	39180
<u>Revised Code;</u>	39181
<u>(4) Misfeasance;</u>	39182
<u>(5) Malfeasance;</u>	39183
<u>(6) Nonfeasance;</u>	39184
<u>(7) Confirmed abuse or neglect;</u>	39185
<u>(8) Financial irresponsibility;</u>	39186
<u>(9) Other conduct the director determines is or would be</u>	39187
<u>injurious to individuals who receive or would receive supported</u>	39188
<u>living from the person or government entity.</u>	39189

(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.

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(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:

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(a) The director determines such action is warranted by the provider's failure to continue to meet the applicable certification standards;

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(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;

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(c) If the order will suspend the provider's authority to 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:

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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.

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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

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section 5123.31 of the Revised Code. 39221

(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: 39222  
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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. 39225  
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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. 39232  
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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. 39236  
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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: 39239  
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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. 39241  
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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 39244  
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and conclusions of law and a recommendation of the action the 39252  
director should take. 39253

(iii) The provider may, not later than five days after the 39254  
date the director, in accordance with section 119.09 of the 39255  
Revised Code, sends the provider or the provider's attorney or 39256  
other representative of record a copy of the referee or examiner's 39257  
report and recommendation, file with the director written 39258  
objections to the report and recommendation. 39259

(iv) The director shall approve, modify, or disapprove the 39260  
referee or examiner's report and recommendation not earlier than 39261  
six days, and not later than fifteen days, after the date the 39262  
director, in accordance with section 119.09 of the Revised Code, 39263  
sends a copy of the report and recommendation to the provider or 39264  
the provider's attorney or other representative of record. 39265

(3) The director may lift an order issued under division 39266  
(D)(1) of this section even though a hearing regarding the order 39267  
is occurring or pending if the director determines that the 39268  
provider has taken action eliminating the good cause for issuing 39269  
the order. The hearing shall proceed unless the provider withdraws 39270  
the request for the hearing in a written letter to the director. 39271

(4) The director shall lift an order issued under division 39272  
(D)(1) of this section if both of the following are the case: 39273

(a) The provider provides the director a plan of compliance 39274  
the director determines is acceptable. 39275

(b) The director determines that the provider has implemented 39276  
the plan of compliance correctly. 39277

**Sec. 5123.167.** If the director of mental retardation and 39278  
developmental disabilities issues an adjudication order under 39279  
section 5123.166 of the Revised Code refusing to issue a supported 39280  
living certificate to a person or government entity or to renew a 39281

person or government entity's supported living certificate, 39282  
neither the person or government entity nor a related party of the 39283  
person or government entity may apply for another supported living 39284  
certificate earlier than the date that is one year after the date 39285  
the order is issued. If the director issues an adjudication order 39286  
under that section revoking a person or government entity's 39287  
supported living certificate, neither the person or government 39288  
entity nor a related party of the person or government entity may 39289  
apply for another supported living certificate earlier than the 39290  
date that is five years after the date the order is issued. 39291

Sec. 5123.168. The director of mental retardation and 39292  
developmental disabilities may issue an adjudication order in 39293  
accordance with Chapter 119. of the Revised Code to terminate a 39294  
supported living certificate if the certificate holder has not 39295  
billed for supported living for twelve consecutive months. 39296

Sec. 5123.169. The director of mental retardation and 39297  
developmental disabilities shall adopt rules under Chapter 119. of 39298  
the Revised Code establishing all of the following: 39299

(A) The extent to which a county board of mental retardation 39300  
and developmental disabilities may provide supported living; 39301

(B) The application process for obtaining a supported living 39302  
certificate under section 5123.161 of the Revised Code; 39303

(C) The certification standards a person or government entity 39304  
must meet to obtain a supported living certificate to provide 39305  
supported living; 39306

(D) The certification fee for a supported living certificate, 39307  
which shall be deposited into the program fee fund created under 39308  
section 5123.033 of the Revised Code; 39309

(E) The period of time a supported living certificate is 39310  
valid; 39311

(F) The process for renewing a supported living certificate 39312  
under section 5123.164 of the Revised Code; 39313

(G) The renewal fee for a supported living certificate, which 39314  
shall be deposited into the program fee fund created under section 39315  
5123.033 of the Revised Code; 39316

(H) Procedures for conducting surveys under section 5123.162 39317  
of the Revised Code; 39318

(I) Procedures for determining whether there is good cause to 39319  
take action under section 5123.166 of the Revised Code against a 39320  
person or government entity seeking or holding a supported living 39321  
certificate. 39322

**Sec. 5123.19.** (A) As used in this section and in sections 39323  
5123.191, 5123.194, 5123.196, 5123.198, and 5123.20 of the Revised 39324  
Code: 39325

(1)(a) "Residential facility" means a home or facility in 39326  
which a mentally retarded or developmentally disabled person 39327  
resides, except the home of a relative or legal guardian in which 39328  
a mentally retarded or developmentally disabled person resides, a 39329  
respite care home certified under section 5126.05 of the Revised 39330  
Code, a county home or district home operated pursuant to Chapter 39331  
5155. of the Revised Code, or a dwelling in which the only 39332  
mentally retarded or developmentally disabled residents are in an 39333  
independent living arrangement or are being provided supported 39334  
living. 39335

(b) "Intermediate care facility for the mentally retarded" 39336  
means a residential facility that is considered an intermediate 39337  
care facility for the mentally retarded for the purposes of 39338  
Chapter 5111. of the Revised Code. 39339

(2) "Political subdivision" means a municipal corporation, 39340  
county, or township. 39341

(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 that held or applied for a license to operate a residential facility, rather than a person or government entity certified to provide supported living.

(B) Every person or government agency desiring to operate a residential facility shall apply for licensure of the facility to the director of mental retardation and developmental disabilities unless the residential facility is subject to section 3721.02, 3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding Chapter 3721. of the Revised Code, a nursing home that is certified as an intermediate care facility for the mentally retarded under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for licensure of the portion of the home that is certified as an intermediate care facility for the mentally retarded.

(C) Subject to section 5123.196 of the Revised Code, the

director of mental retardation and developmental disabilities 39373  
shall license the operation of residential facilities. An initial 39374  
license shall be issued for a period that does not exceed one 39375  
year, unless the director denies the license under division (D) of 39376  
this section. A license shall be renewed for a period that does 39377  
not exceed three years, unless the director refuses to renew the 39378  
license under division (D) of this section. The director, when 39379  
issuing or renewing a license, shall specify the period for which 39380  
the license is being issued or renewed. A license remains valid 39381  
for the length of the licensing period specified by the director, 39382  
unless the license is terminated, revoked, or voluntarily 39383  
surrendered. 39384

(D) If it is determined that an applicant or licensee is not 39385  
in compliance with a provision of this chapter that applies to 39386  
residential facilities or the rules adopted under such a 39387  
provision, the director may deny issuance of a license, refuse to 39388  
renew a license, terminate a license, revoke a license, issue an 39389  
order for the suspension of admissions to a facility, issue an 39390  
order for the placement of a monitor at a facility, issue an order 39391  
for the immediate removal of residents, or take any other action 39392  
the director considers necessary consistent with the director's 39393  
authority under this chapter regarding residential facilities. In 39394  
the director's selection and administration of the sanction to be 39395  
imposed, all of the following apply: 39396

(1) The director may deny, refuse to renew, or revoke a 39397  
license, if the director determines that the applicant or licensee 39398  
has demonstrated a pattern of serious noncompliance or that a 39399  
violation creates a substantial risk to the health and safety of 39400  
residents of a residential facility. 39401

(2) The director may terminate a license if more than twelve 39402  
consecutive months have elapsed since the residential facility was 39403  
last occupied by a resident or a notice required by division 39404

(K) of this section is not given. 39405

(3) The director may issue an order for the suspension of 39406  
admissions to a facility for any violation that may result in 39407  
sanctions under division (D)(1) of this section and for any other 39408  
violation specified in rules adopted under division ~~(G)~~(H)(2) of 39409  
this section. If the suspension of admissions is imposed for a 39410  
violation that may result in sanctions under division (D)(1) of 39411  
this section, the director may impose the suspension before 39412  
providing an opportunity for an adjudication under Chapter 119. of 39413  
the Revised Code. The director shall lift an order for the 39414  
suspension of admissions when the director determines that the 39415  
violation that formed the basis for the order has been corrected. 39416

(4) The director may order the placement of a monitor at a 39417  
residential facility for any violation specified in rules adopted 39418  
under division ~~(G)~~(H)(2) of this section. The director shall lift 39419  
the order when the director determines that the violation that 39420  
formed the basis for the order has been corrected. 39421

(5) If the director determines that two or more residential 39422  
facilities owned or operated by the same person or government 39423  
entity are not being operated in compliance with a provision of 39424  
this chapter that applies to residential facilities or the rules 39425  
adopted under such a provision, and the director's findings are 39426  
based on the same or a substantially similar action, practice, 39427  
circumstance, or incident that creates a substantial risk to the 39428  
health and safety of the residents, the director shall conduct a 39429  
survey as soon as practicable at each residential facility owned 39430  
or operated by that person or government entity. The director may 39431  
take any action authorized by this section with respect to any 39432  
facility found to be operating in violation of a provision of this 39433  
chapter that applies to residential facilities or the rules 39434  
adopted under such a provision. 39435

(6) When the director initiates license revocation 39436

proceedings, no opportunity for submitting a plan of correction 39437  
shall be given. The director shall notify the licensee by letter 39438  
of the initiation of the proceedings. The letter shall list the 39439  
deficiencies of the residential facility and inform the licensee 39440  
that no plan of correction will be accepted. The director shall 39441  
also ~~notify each affected resident, the resident's guardian if the~~ 39442  
~~resident is an adult for whom a guardian has been appointed, the~~ 39443  
~~resident's parent or guardian if the resident is a minor, and the~~ 39444  
~~county board of mental retardation and developmental disabilities~~ 39445  
send a copy of the letter to the county board of mental 39446  
retardation and developmental disabilities. The county board shall 39447  
send a copy of the letter to each of the following: 39448

(a) Each resident who receives services from the licensee; 39449

(b) The guardian of each resident who receives services from 39450  
the licensee if the resident has a guardian; 39451

(c) The parent or guardian of each resident who receives 39452  
services from the licensee if the resident is a minor. 39453

(7) Pursuant to rules which shall be adopted in accordance 39454  
with Chapter 119. of the Revised Code, the director may order the 39455  
immediate removal of residents from a residential facility 39456  
whenever conditions at the facility present an immediate danger of 39457  
physical or psychological harm to the residents. 39458

(8) In determining whether a residential facility is being 39459  
operated in compliance with a provision of this chapter that 39460  
applies to residential facilities or the rules adopted under such 39461  
a provision, or whether conditions at a residential facility 39462  
present an immediate danger of physical or psychological harm to 39463  
the residents, the director may rely on information obtained by a 39464  
county board of mental retardation and developmental disabilities 39465  
or other governmental agencies. 39466

(9) In proceedings initiated to deny, refuse to renew, or 39467

revoke licenses, the director may deny, refuse to renew, or revoke 39468  
a license regardless of whether some or all of the deficiencies 39469  
that prompted the proceedings have been corrected at the time of 39470  
the hearing. 39471

(E) The director shall establish a program under which public 39472  
notification may be made when the director has initiated license 39473  
revocation proceedings or has issued an order for the suspension 39474  
of admissions, placement of a monitor, or removal of residents. 39475  
The director shall adopt rules in accordance with Chapter 119. of 39476  
the Revised Code to implement this division. The rules shall 39477  
establish the procedures by which the public notification will be 39478  
made and specify the circumstances for which the notification must 39479  
be made. The rules shall require that public notification be made 39480  
if the director has taken action against the facility in the 39481  
eighteen-month period immediately preceding the director's latest 39482  
action against the facility and the latest action is being taken 39483  
for the same or a substantially similar violation of a provision 39484  
of this chapter that applies to residential facilities or the 39485  
rules adopted under such a provision. The rules shall specify a 39486  
method for removing or amending the public notification if the 39487  
director's action is found to have been unjustified or the 39488  
violation at the residential facility has been corrected. 39489

(F)(1) Except as provided in division (F)(2) of this section, 39490  
appeals from proceedings initiated to impose a sanction under 39491  
division (D) of this section shall be conducted in accordance with 39492  
Chapter 119. of the Revised Code. 39493

(2) Appeals from proceedings initiated to order the 39494  
suspension of admissions to a facility shall be conducted in 39495  
accordance with Chapter 119. of the Revised Code, unless the order 39496  
was issued before providing an opportunity for an adjudication, in 39497  
which case all of the following apply: 39498

(a) The licensee may request a hearing not later than ten 39499



days after receiving the notice specified in section 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(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.

(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.

~~(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.

~~(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 39530  
basis for the order has been corrected. 39531

(G) Neither a person or government agency whose application 39532  
for a license to operate a residential facility is denied nor a 39533  
related party of the person or government agency may apply for a 39534  
license to operate a residential facility before the date that is 39535  
one year after the date of the denial. Neither a licensee whose 39536  
residential facility license is revoked nor a related party of the 39537  
licensee may apply for a residential facility license before the 39538  
date that is five years after the date of the revocation. 39539

(H) In accordance with Chapter 119. of the Revised Code, the 39540  
director shall adopt and may amend and rescind rules for licensing 39541  
and regulating the operation of residential facilities, including 39542  
intermediate care facilities for the mentally retarded. The rules 39543  
for intermediate care facilities for the mentally retarded may 39544  
differ from those for other residential facilities. The rules 39545  
shall establish and specify the following: 39546

(1) Procedures and criteria for issuing and renewing 39547  
licenses, including procedures and criteria for determining the 39548  
length of the licensing period that the director must specify for 39549  
each license when it is issued or renewed; 39550

(2) Procedures and criteria for denying, refusing to renew, 39551  
terminating, and revoking licenses and for ordering the suspension 39552  
of admissions to a facility, placement of a monitor at a facility, 39553  
and the immediate removal of residents from a facility; 39554

(3) Fees for issuing and renewing licenses, which shall be 39555  
deposited into the program fee fund created under section 5123.033 39556  
of the Revised Code; 39557

(4) Procedures for surveying residential facilities; 39558

(5) Requirements for the training of residential facility 39559  
personnel; 39560

(6) Classifications for the various types of residential facilities;	39561 39562
(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;	39563 39564 39565 39566
(8) The maximum number of persons who may be served in a particular type of residential facility;	39567 39568
(9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	39569 39570
(10) Other standards for the operation of residential facilities and the services provided at residential facilities;	39571 39572
(11) Procedures for waiving any provision of any rule adopted under this section.	39573 39574
<del>(H)</del> (I) Before issuing a license, the director of the department or the director's designee shall conduct a survey of the residential facility for which application is made. The director or the director's designee shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there.	39575 39576 39577 39578 39579 39580 39581 39582 39583
In conducting surveys, the director or the director's designee shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The licensee and all persons on behalf of, under the control of, or in connection with the licensee shall cooperate with the director or the director's	39584 39585 39586 39587 39588 39589 39590 39591

designee in conducting the survey. 39592

Following each survey, unless the director initiates a 39593  
license revocation proceeding, the director or the director's 39594  
designee shall provide the licensee with a report listing any 39595  
deficiencies, specifying a timetable within which the licensee 39596  
shall submit a plan of correction describing how the deficiencies 39597  
will be corrected, and, when appropriate, specifying a timetable 39598  
within which the licensee must correct the deficiencies. After a 39599  
plan of correction is submitted, the director or the director's 39600  
designee shall approve or disapprove the plan. A copy of the 39601  
report and any approved plan of correction shall be provided to 39602  
any person who requests it. 39603

The director shall initiate disciplinary action against any 39604  
department employee who notifies or causes the notification to any 39605  
unauthorized person of an unannounced survey of a residential 39606  
facility by an authorized representative of the department. 39607

~~(I)~~(J) In addition to any other information which may be 39608  
required of applicants for a license pursuant to this section, the 39609  
director shall require each applicant to provide a copy of an 39610  
approved plan for a proposed residential facility pursuant to 39611  
section 5123.042 of the Revised Code. This division does not apply 39612  
to renewal of a license. 39613

~~(J)~~(K) A licensee shall notify the owner of the building in 39614  
which the licensee's residential facility is located of any 39615  
significant change in the identity of the licensee or management 39616  
contractor before the effective date of the change if the licensee 39617  
is not the owner of the building. 39618

Pursuant to rules which shall be adopted in accordance with 39619  
Chapter 119. of the Revised Code, the director may require 39620  
notification to the department of any significant change in the 39621  
ownership of a residential facility or in the identity of the 39622

licensee or management contractor. If the director determines that 39623  
a significant change of ownership is proposed, the director shall 39624  
consider the proposed change to be an application for development 39625  
by a new operator pursuant to section 5123.042 of the Revised Code 39626  
and shall advise the applicant within sixty days of the 39627  
notification that the current license shall continue in effect or 39628  
a new license will be required pursuant to this section. If the 39629  
director requires a new license, the director shall permit the 39630  
facility to continue to operate under the current license until 39631  
the new license is issued, unless the current license is revoked, 39632  
refused to be renewed, or terminated in accordance with Chapter 39633  
119. of the Revised Code. 39634

~~(K)~~(L) A county board of mental retardation and developmental 39635  
disabilities, the legal rights service, and any interested person 39636  
may file complaints alleging violations of statute or department 39637  
rule relating to residential facilities with the department. All 39638  
complaints shall be in writing and shall state the facts 39639  
constituting the basis of the allegation. The department shall not 39640  
reveal the source of any complaint unless the complainant agrees 39641  
in writing to waive the right to confidentiality or until so 39642  
ordered by a court of competent jurisdiction. 39643

The department shall adopt rules in accordance with Chapter 39644  
119. of the Revised Code establishing procedures for the receipt, 39645  
referral, investigation, and disposition of complaints filed with 39646  
the department under this division. 39647

~~(L)~~(M) The department shall establish procedures for the 39648  
notification of interested parties of the transfer or interim care 39649  
of residents from residential facilities that are closing or are 39650  
losing their license. 39651

~~(M)~~(N) Before issuing a license under this section to a 39652  
residential facility that will accommodate at any time more than 39653  
one mentally retarded or developmentally disabled individual, the 39654

director shall, by first class mail, notify the following: 39655

(1) If the facility will be located in a municipal 39656  
corporation, the clerk of the legislative authority of the 39657  
municipal corporation; 39658

(2) If the facility will be located in unincorporated 39659  
territory, the clerk of the appropriate board of county 39660  
commissioners and the fiscal officer of the appropriate board of 39661  
township trustees. 39662

The director shall not issue the license for ten days after 39663  
mailing the notice, excluding Saturdays, Sundays, and legal 39664  
holidays, in order to give the notified local officials time in 39665  
which to comment on the proposed issuance. 39666

Any legislative authority of a municipal corporation, board 39667  
of county commissioners, or board of township trustees that 39668  
receives notice under this division of the proposed issuance of a 39669  
license for a residential facility may comment on it in writing to 39670  
the director within ten days after the director mailed the notice, 39671  
excluding Saturdays, Sundays, and legal holidays. If the director 39672  
receives written comments from any notified officials within the 39673  
specified time, the director shall make written findings 39674  
concerning the comments and the director's decision on the 39675  
issuance of the license. If the director does not receive written 39676  
comments from any notified local officials within the specified 39677  
time, the director shall continue the process for issuance of the 39678  
license. 39679

~~(N)~~(O) Any person may operate a licensed residential facility 39680  
that provides room and board, personal care, habilitation 39681  
services, and supervision in a family setting for at least six but 39682  
not more than eight persons with mental retardation or a 39683  
developmental disability as a permitted use in any residential 39684  
district or zone, including any single-family residential district 39685

or zone, of any political subdivision. These residential 39686  
facilities may be required to comply with area, height, yard, and 39687  
architectural compatibility requirements that are uniformly 39688  
imposed upon all single-family residences within the district or 39689  
zone. 39690

~~(O)~~(P) Any person may operate a licensed residential facility 39691  
that provides room and board, personal care, habilitation 39692  
services, and supervision in a family setting for at least nine 39693  
but not more than sixteen persons with mental retardation or a 39694  
developmental disability as a permitted use in any multiple-family 39695  
residential district or zone of any political subdivision, except 39696  
that a political subdivision that has enacted a zoning ordinance 39697  
or resolution establishing planned unit development districts may 39698  
exclude these residential facilities from those districts, and a 39699  
political subdivision that has enacted a zoning ordinance or 39700  
resolution may regulate these residential facilities in 39701  
multiple-family residential districts or zones as a conditionally 39702  
permitted use or special exception, in either case, under 39703  
reasonable and specific standards and conditions set out in the 39704  
zoning ordinance or resolution to: 39705

(1) Require the architectural design and site layout of the 39706  
residential facility and the location, nature, and height of any 39707  
walls, screens, and fences to be compatible with adjoining land 39708  
uses and the residential character of the neighborhood; 39709

(2) Require compliance with yard, parking, and sign 39710  
regulation; 39711

(3) Limit excessive concentration of these residential 39712  
facilities. 39713

~~(P)~~(Q) This section does not prohibit a political subdivision 39714  
from applying to residential facilities nondiscriminatory 39715  
regulations requiring compliance with health, fire, and safety 39716

regulations and building standards and regulations. 39717

~~(Q)~~(R) Divisions ~~(N)~~(O) and ~~(Q)~~(P) of this section are not 39718  
applicable to municipal corporations that had in effect on June 39719  
15, 1977, an ordinance specifically permitting in residential 39720  
zones licensed residential facilities by means of permitted uses, 39721  
conditional uses, or special exception, so long as such ordinance 39722  
remains in effect without any substantive modification. 39723

~~(R)~~(S)(1) The director may issue an interim license to 39724  
operate a residential facility to an applicant for a license under 39725  
this section if either of the following is the case: 39726

(a) The director determines that an emergency exists 39727  
requiring immediate placement of persons in a residential 39728  
facility, that insufficient licensed beds are available, and that 39729  
the residential facility is likely to receive a permanent license 39730  
under this section within thirty days after issuance of the 39731  
interim license. 39732

(b) The director determines that the issuance of an interim 39733  
license is necessary to meet a temporary need for a residential 39734  
facility. 39735

(2) To be eligible to receive an interim license, an 39736  
applicant must meet the same criteria that must be met to receive 39737  
a permanent license under this section, except for any differing 39738  
procedures and time frames that may apply to issuance of a 39739  
permanent license. 39740

(3) An interim license shall be valid for thirty days and may 39741  
be renewed by the director for a period not to exceed one hundred 39742  
fifty days. 39743

(4) The director shall adopt rules in accordance with Chapter 39744  
119. of the Revised Code as the director considers necessary to 39745  
administer the issuance of interim licenses. 39746



~~(S)~~(T) Notwithstanding rules adopted pursuant to this section 39747  
establishing the maximum number of persons who may be served in a 39748  
particular type of residential facility, a residential facility 39749  
shall be permitted to serve the same number of persons being 39750  
served by the facility on the effective date of the rules or the 39751  
number of persons for which the facility is authorized pursuant to 39752  
a current application for a certificate of need with a letter of 39753  
support from the department of mental retardation and 39754  
developmental disabilities and which is in the review process 39755  
prior to April 4, 1986. 39756

~~(T)~~(U) The director or the director's designee may enter at 39757  
any time, for purposes of investigation, any home, facility, or 39758  
other structure that has been reported to the director or that the 39759  
director has reasonable cause to believe is being operated as a 39760  
residential facility without a license issued under this section. 39761

The director may petition the court of common pleas of the 39762  
county in which an unlicensed residential facility is located for 39763  
an order enjoining the person or governmental agency operating the 39764  
facility from continuing to operate without a license. The court 39765  
may grant the injunction on a showing that the person or 39766  
governmental agency named in the petition is operating a 39767  
residential facility without a license. The court may grant the 39768  
injunction, regardless of whether the residential facility meets 39769  
the requirements for receiving a license under this section. 39770

**Sec. 5123.196.** (A) Except as provided in division (F) of this 39771  
section, the director of mental retardation and developmental 39772  
disabilities shall not issue a license under section 5123.19 of 39773  
the Revised Code on or after July 1, 2003, if issuance will result 39774  
in there being more beds in all residential facilities licensed 39775  
under that section than is permitted under division (B) of this 39776  
section. 39777

(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 the residential facility in which the bed was located unless the reason the bed ceases to be a residential facility bed is because it is converted to providing home and community-based services under the ICF/MR conversion pilot program that is authorized by a waiver sought under division (B)(1) of section 5111.88 of the Revised Code.

(D) The director shall increase the number of beds determined under division (B) of this section if necessary to enable the operator of a residential facility to do either of the following:

(1) Obtain a residential facility license as required by section 5111.8814 of the Revised Code;

(2) Reconvert beds to providing ICF/MR services under section 5111.8811 of the Revised Code.

(E) The director shall maintain an up-to-date written record of the maximum number of residential facility beds provided for by division (B) of this section.

(F) The director may issue an interim license under division ~~(R)~~(S) of section 5123.19 of the Revised Code and issue, pursuant to rules adopted under division ~~(G)~~(H)(11) of that section, a waiver allowing a residential facility to admit more residents than the facility is licensed to admit regardless of whether the interim license or waiver will result in there being more beds in all residential facilities licensed under that section than is permitted under division (B) of this section.

**Sec. 5123.198.** (A) As used in this section, "date of the commitment" means the date that an individual specified in division (B) of this section begins to reside in a state-operated intermediate care facility for the mentally retarded after being committed to the facility pursuant to sections 5123.71 to 5123.76 of the Revised Code.

(B) Except as provided in division (C) of this section, whenever a resident of a residential facility is committed to a state-operated intermediate care facility for the mentally retarded pursuant to sections 5123.71 to 5123.76 of the Revised Code, the department of mental retardation and developmental disabilities, pursuant to an adjudication order issued in accordance with Chapter 119. of the Revised Code, shall reduce by one the number of residents for which the facility in which the resident resided is licensed.

(C) The department shall not reduce under division (B) of this section the number of residents for which a residential facility is licensed if any of the following are the case:

(1) The resident of the residential facility who is committed to a state-operated intermediate care facility for the mentally

retarded resided in the residential facility because of the 39840  
closure, on or after ~~the effective date of this section~~ June 26, 39841  
2003, of another state-operated intermediate care facility for the 39842  
mentally retarded; 39843

(2) The residential facility admits within ninety days of the 39844  
date of the commitment an individual who resides on the date of 39845  
the commitment in a state-operated intermediate care facility for 39846  
the mentally retarded or another residential facility; 39847

(3) The department fails to do either of the following within 39848  
ninety days of the date of the commitment: 39849

(a) Identify an individual to whom all of the following 39850  
applies: 39851

(i) Resides on the date of the commitment in a state-operated 39852  
intermediate care facility for the mentally retarded or another 39853  
residential facility; 39854

(ii) Has indicated to the department an interest in 39855  
relocating to the residential facility or has a parent or guardian 39856  
who has indicated to the department an interest for the individual 39857  
to relocate to the residential facility; 39858

(iii) The department determines the individual has needs that 39859  
the residential facility can meet. 39860

(b) Provide the residential facility with information about 39861  
the individual identified under division (C)(2)(a) of this section 39862  
that the residential facility needs in order to determine whether 39863  
the facility can meet the individual's needs. 39864

(4) If the department completes the actions specified in 39865  
divisions (C)(3)(a) and (b) of this section not later than ninety 39866  
days after the date of the commitment and except as provided in 39867  
division (D) of this section, the residential facility does all of 39868  
the following not later than ninety days after the date of the 39869

commitment:	39870
(a) Evaluates the information provided by the department;	39871
(b) Assesses the identified individual's needs;	39872
(c) Determines that the residential facility cannot meet the identified individual's needs.	39873 39874
(5) If the department completes the actions specified in divisions (C)(3)(a) and (b) of this section not later than ninety days after the date of the commitment and the residential facility determines that the residential facility can meet the identified individual's needs, the individual, or a parent or guardian of the individual, refuses placement in the residential facility.	39875 39876 39877 39878 39879 39880
(D) The department may reduce under division (B) of this section the number of residents for which a residential facility is licensed even though the residential facility completes the actions specified in division (C)(4) of this section not later than ninety days after the date of the commitment if all of the following are the case:	39881 39882 39883 39884 39885 39886
(1) The department disagrees with the residential facility's determination that the residential facility cannot meet the identified individual's needs.	39887 39888 39889
(2) The department issues a written decision pursuant to the uniform procedures for admissions, transfers, and discharges established by rules adopted under division <del>(G)</del> (H)(9) of section 5123.19 of the Revised Code that the residential facility should admit the identified individual.	39890 39891 39892 39893 39894
(3) After the department issues the written decision specified in division (D)(2) of this section, the residential facility refuses to admit the identified individual.	39895 39896 39897
(E) A residential facility that admits, refuses to admit, transfers, or discharges a resident under this section shall	39898 39899

comply with the uniform procedures for admissions, transfers, and 39900  
discharges established by rules adopted under division ~~(G)~~(H)(9) 39901  
of section 5123.19 of the Revised Code. 39902

(F) The department of mental retardation and developmental 39903  
disabilities may notify the department of job and family services 39904  
of any reduction under this section in the number of residents for 39905  
which a residential facility that is an intermediate care facility 39906  
for the mentally retarded is licensed. On receiving the notice, 39907  
the department of job and family services may transfer to the 39908  
department of mental retardation and developmental disabilities 39909  
the savings in the nonfederal share of medicaid expenditures for 39910  
each fiscal year after the year of the commitment to be used for 39911  
costs of the resident's care in the state-operated intermediate 39912  
care facility for the mentally retarded. In determining the amount 39913  
saved, the department of job and family services shall consider 39914  
medicaid payments for the remaining residents of the facility in 39915  
which the resident resided. 39916

~~Sec. 5123.20. As used in this section, "supported living" has 39917  
the same meaning as in section 5126.01 of the Revised Code. 39918~~

No person or government agency shall operate a residential 39919  
facility or receive a mentally retarded or developmentally 39920  
disabled person as a resident of a residential facility unless the 39921  
facility is licensed under section 5123.19 of the Revised Code, 39922  
and no person or governmental agency shall operate a respite care 39923  
home or receive a mentally retarded or developmentally disabled 39924  
person in a respite care home unless the home is certified under 39925  
section 5126.05 of the Revised Code. 39926

~~No person or government agency shall provide supported living 39927  
unless that person or government agency is certified under section 39928  
5126.431 of the Revised Code. 39929~~

Sec. 5123.211. (A) As used in this section, "residential 39930  
services" and "~~supported living~~" have has the same meanings 39931  
meaning as in section 5126.01 of the Revised Code. 39932

(B) The department of mental retardation and developmental 39933  
disabilities shall provide or arrange provision of residential 39934  
services for each person who, on or after July 1, 1989, ceases to 39935  
be a resident of a state institution because of closure of the 39936  
institution or a reduction in the institution's population by 39937  
forty per cent or more within a period of one year. The services 39938  
shall be provided in the county in which the person chooses to 39939  
reside and shall consist of one of the following as determined 39940  
appropriate by the department in consultation with the county 39941  
board of mental retardation and developmental disabilities of the 39942  
county in which the services are to be provided: 39943

(1) Residential services provided pursuant to section 5123.18 39944  
of the Revised Code; 39945

~~(2) Supported living provided pursuant to section 5123.182 of 39946  
the Revised Code;~~ 39947

~~(3)~~ Residential services for which reimbursement is made 39948  
under the medical assistance program established under section 39949  
5111.01 of the Revised Code; 39950

~~(4)~~(3) Residential services provided in a manner or setting 39951  
approved by the director of mental retardation and developmental 39952  
disabilities. 39953

(C) Not less than six months prior to closing a state 39954  
institution or reducing a state institution's population by forty 39955  
per cent or more within a period of one year, the department shall 39956  
identify those counties in which individuals leaving the 39957  
institution have chosen to reside and notify the county boards of 39958  
mental retardation and developmental disabilities in those 39959

counties of the need to develop the services specified in division 39960  
(B) of this section. The notice shall specify the number of 39961  
individuals requiring services who plan to reside in the county 39962  
and indicate the amount of funds the department will use to 39963  
provide or arrange services for those individuals. 39964

(D) In each county in which one or more persons receive 39965  
residential services pursuant to division (B) of this section, the 39966  
department shall provide or arrange provision of residential 39967  
services, or shall distribute moneys to the county board of mental 39968  
retardation and developmental disabilities to provide or arrange 39969  
provision of residential services, for an equal number of persons 39970  
with mental retardation or developmental disabilities in that 39971  
county who the county board has determined need residential 39972  
services but are not receiving them. 39973

**Sec. 5123.38.** (A) Except as provided in division (B) and (C) 39974  
of this section, if an individual receiving supported living or 39975  
home and community-based services, ~~as defined in section 5126.01~~ 39976  
~~of the Revised Code,~~ funded by a county board of mental 39977  
retardation and developmental disabilities is committed to a 39978  
state-operated intermediate care facility for the mentally 39979  
retarded pursuant to sections 5123.71 to 5123.76 of the Revised 39980  
Code, the department of mental retardation and developmental 39981  
disabilities shall use the funds otherwise allocated to the county 39982  
board as the nonfederal share of medicaid expenditures for the 39983  
individual's care in the state-operated facility. 39984

(B) Division (A) of this section does not apply if the county 39985  
board, not later than ninety days after the date of the commitment 39986  
of a person receiving supported services, commences funding of 39987  
supported living for an individual who resides in a state-operated 39988  
intermediate care facility for the mentally retarded on the date 39989  
of the commitment or another eligible individual designated by the 39990



department. 39991

(C) Division (A) of this section does not apply if the county 39992  
board, not later than ninety days after the date of the commitment 39993  
of a person receiving home and community-based services, commences 39994  
funding of home and community-based services for an individual who 39995  
resides in a state-operated intermediate care facility for the 39996  
mentally retarded on the date of the commitment or another 39997  
eligible individual designated by the department. 39998

**Sec. 5123.41.** As used in this section and sections 5123.42 to 39999  
5123.47 of the Revised Code: 40000

(A) "Adult services" has the same meaning as in section 40001  
5126.01 of the Revised Code. 40002

~~(B) "Certified home and community based services provider"~~ 40003  
~~means a person or government entity certified under section~~ 40004  
~~5123.16 of the Revised Code.~~ 40005

~~(C)~~ "Certified supported living provider" means a person or 40006  
government entity certified under section ~~5126.431~~ 5123.161 of the 40007  
Revised Code. 40008

~~(D)~~(C) "Drug" has the same meaning as in section 4729.01 of 40009  
the Revised Code. 40010

~~(E)~~(D) "Family support services" has the same meaning as in 40011  
section 5126.01 of the Revised Code. 40012

~~(F)~~(E) "Health-related activities" means the following: 40013

(1) Taking vital signs; 40014

(2) Application of clean dressings that do not require health 40015  
assessment; 40016

(3) Basic measurement of bodily intake and output; 40017

(4) Oral suctioning; 40018

(5) Use of glucometers;	40019
(6) External urinary catheter care;	40020
(7) Emptying and replacing colostomy bags;	40021
(8) Collection of specimens by noninvasive means.	40022
<del>(G)</del> <u>(F)</u> "Licensed health professional authorized to prescribe	40023
drugs" has the same meaning as in section 4729.01 of the Revised	40024
Code.	40025
<del>(H)</del> "Medicaid" has the same meaning as in section 5111.01 of	40026
the Revised Code.	40027
<del>(I)</del> <u>(G)</u> "MR/DD personnel" means the employees and the workers	40028
under contract who provide specialized services to individuals	40029
with mental retardation and developmental disabilities. "MR/DD	40030
personnel" includes those who provide the services as follows:	40031
(1) Through direct employment with the department of mental	40032
retardation and developmental disabilities or a county board of	40033
mental retardation and developmental disabilities;	40034
(2) Through an entity under contract with the department of	40035
mental retardation and developmental disabilities or a county	40036
board of mental retardation and developmental disabilities;	40037
(3) Through direct employment or by being under contract with	40038
private entities, including private entities that operate	40039
residential facilities.	40040
<del>(J)</del> <u>(H)</u> "Nursing delegation" means the process established in	40041
rules adopted by the board of nursing pursuant to Chapter 4723. of	40042
the Revised Code under which a registered nurse or licensed	40043
practical nurse acting at the direction of a registered nurse	40044
transfers the performance of a particular nursing activity or task	40045
to another person who is not otherwise authorized to perform the	40046
activity or task.	40047
<del>(K)</del> <u>(I)</u> "Prescribed medication" means a drug that is to be	40048

administered according to the instructions of a licensed health professional authorized to prescribe drugs.

~~(I)~~(J) "Residential facility" means a facility licensed under section 5123.19 of the Revised Code or subject to section 5123.192 of the Revised Code.

~~(M)~~(K) "Specialized services" has the same meaning as in section 5123.50 of the Revised Code.

~~(N)~~(L) "Tube feeding" means the provision of nutrition to an individual through a gastrostomy tube or a jejunostomy tube.

**Sec. 5123.51.** (A) In addition to any other action required by sections 5123.61 and 5126.31 of the Revised Code, the department of mental retardation and developmental disabilities shall review each report the department receives of abuse or neglect of an individual with mental retardation or a developmental disability or misappropriation of an individual's property that includes an allegation that an MR/DD employee committed or was responsible for the abuse, neglect, or misappropriation. The department shall review a report it receives from a public children services agency only after the agency completes its investigation pursuant to section 2151.421 of the Revised Code. On receipt of a notice under section 2930.061 or 5123.541 of the Revised Code, the department shall review the notice.

(B) The department shall do both of the following:

(1) Investigate the allegation or adopt the findings of an investigation or review of the allegation conducted by another person or government entity and determine whether there is a reasonable basis for the allegation;

(2) If the department determines that there is a reasonable basis for the allegation, conduct an adjudication pursuant to

Chapter 119. of the Revised Code. 40079

(C)(1) The department shall appoint an independent hearing officer to conduct any hearing conducted pursuant to division (B)(2) of this section, except that, if the hearing is regarding an employee of the department who is represented by a union, the department and a representative of the union shall jointly select the hearing officer. 40080  
40081  
40082  
40083  
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40085

(2)(a) Except as provided in division (C)(2)(b) of this section, no hearing shall be conducted under division (B)(2) of this section until any criminal proceeding or collective bargaining arbitration concerning the same allegation has concluded. 40086  
40087  
40088  
40089  
40090

(b) The department may conduct a hearing pursuant to division (B)(2) of this section before a criminal proceeding concerning the same allegation is concluded if both of the following are the case: 40091  
40092  
40093  
40094

(i) The department notifies the prosecutor responsible for the criminal proceeding that the department proposes to conduct a hearing. 40095  
40096  
40097

(ii) The prosecutor consents to the hearing. 40098

(3) In conducting a hearing pursuant to division (B)(2) of this section, the hearing officer shall do all of the following: 40099  
40100

(a) Determine whether there is clear and convincing evidence that the MR/DD employee has done any of the following: 40101  
40102

(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; 40103  
40104  
40105  
40106

(ii) Misappropriated property of an individual with mental retardation or a developmental disability that is designed to be 40107  
40108

used as a check, draft, negotiable instrument, credit card, charge 40109  
card, or device for initiating an electronic fund transfer at a 40110  
point of sale terminal, automated teller machine, or cash 40111  
dispensing machine; 40112

(iii) Knowingly abused such an individual; 40113

(iv) Recklessly abused or neglected such an individual, with 40114  
resulting physical harm; 40115

(v) Negligently abused or neglected such an individual, with 40116  
resulting serious physical harm; 40117

(vi) Recklessly neglected such an individual, creating a 40118  
substantial risk of serious physical harm; 40119

(vii) Engaged in sexual conduct or had sexual contact with an 40120  
individual with mental retardation or another developmental 40121  
disability who was not the MR/DD employee's spouse and for whom 40122  
the MR/DD employee was employed or under a contract to provide 40123  
care; 40124

(viii) Unreasonably failed to make a report pursuant to 40125  
division (C) of section 5123.61 of the Revised Code when the 40126  
employee knew or should have known that the failure would result 40127  
in a substantial risk of harm to an individual with mental 40128  
retardation or a developmental disability. 40129

(b) Give weight to the decision in any collective bargaining 40130  
arbitration regarding the same allegation; 40131

(c) Give weight to any relevant facts presented at the 40132  
hearing. 40133

(D)(1) Unless the director of mental retardation and 40134  
developmental disabilities determines that there are extenuating 40135  
circumstances and except as provided in division (E) of this 40136  
section, if the director, after considering all of the factors 40137  
listed in division (C)(3) of this section, finds that there is 40138

clear and convincing evidence that an MR/DD employee has done one 40139  
or more of the things described in division (C)(3)(a) of this 40140  
section the director shall include the name of the employee in the 40141  
registry established under section 5123.52 of the Revised Code. 40142

(2) Extenuating circumstances the director must consider 40143  
include the use of physical force by an MR/DD employee that was 40144  
necessary as self-defense. 40145

(3) If the director includes an MR/DD employee in the 40146  
registry established under section 5123.52 of the Revised Code, 40147  
the director shall notify the employee, the person or government 40148  
entity that employs or contracts with the employee, the individual 40149  
with mental retardation or a developmental disability who was the 40150  
subject of the report and that individual's legal guardian, if 40151  
any, the attorney general, and the prosecuting attorney or other 40152  
law enforcement agency. If the MR/DD employee holds a license, 40153  
certificate, registration, or other authorization to engage in a 40154  
profession issued pursuant to Title XLVII of the Revised Code, the 40155  
director shall notify the appropriate agency, board, department, 40156  
or other entity responsible for regulating the employee's 40157  
professional practice. 40158

(4) If an individual whose name appears on the registry is 40159  
involved in a court proceeding or arbitration arising from the 40160  
same facts as the allegation resulting in the individual's 40161  
placement on the registry, the disposition of the proceeding or 40162  
arbitration shall be noted in the registry next to the 40163  
individual's name. 40164

(E) In the case of an allegation concerning an employee of 40165  
the department, after the hearing conducted pursuant to division 40166  
(B)(2) of this section, the director of health or that director's 40167  
designee shall review the decision of the hearing officer to 40168  
determine whether the standard described in division (C)(3) of 40169  
this section has been met. If the director or designee determines 40170

that the standard has been met and that no extenuating 40171  
circumstances exist, the director or designee shall notify the 40172  
director of mental retardation and developmental disabilities that 40173  
the MR/DD employee is to be included in the registry established 40174  
under section 5123.52 of the Revised Code. If the director of 40175  
mental retardation and developmental disabilities receives such 40176  
notification, the director shall include the MR/DD employee in the 40177  
registry and shall provide the notification described in division 40178  
(D)(3) of this section. 40179

(F) If the department is required by Chapter 119. of the 40180  
Revised Code to give notice of an opportunity for a hearing and 40181  
the MR/DD employee subject to the notice does not timely request a 40182  
hearing in accordance with section 119.07 or 5123.0414 of the 40183  
Revised Code, the department is not required to hold a hearing. 40184

(G) Files and records of investigations conducted pursuant to 40185  
this section are not public records as defined in section 149.43 40186  
of the Revised Code, but, on request, the department shall provide 40187  
copies of those files and records to the attorney general, a 40188  
prosecuting attorney, or a law enforcement agency. 40189

Sec. 5123.605. There is hereby created in the state treasury 40190  
the program income fund. Revenue generated from settlements, 40191  
gifts, donations, and other sources of legal rights service 40192  
program income shall be credited to the fund. The program income 40193  
fund shall be used to support legal rights service programs for 40194  
purposes from which the income was derived and for the general 40195  
support of legal rights service programs. 40196

**Sec. 5123.99.** (A) Whoever violates section 5123.16 or 5123.20 40197  
of the Revised Code is guilty of a misdemeanor of the first 40198  
degree. 40199

(B) Whoever violates division (C), (E), or (G)(3) of section 40200

5123.61 of the Revised Code is guilty of a misdemeanor of the 40201  
fourth degree or, if the abuse or neglect constitutes a felony, a 40202  
misdemeanor of the second degree. In addition to any other 40203  
sanction or penalty authorized or required by law, if a person who 40204  
is convicted of or pleads guilty to a violation of division (C), 40205  
(E), or (G)(3) of section 5123.61 of the Revised Code is an MR/DD 40206  
employee, as defined in section 5123.50 of the Revised Code, the 40207  
offender shall be eligible to be included in the registry 40208  
regarding misappropriation, abuse, neglect, or other specified 40209  
misconduct by MR/DD employees established under section 5123.52 of 40210  
the Revised Code. 40211

(C) Whoever violates division (A) of section 5123.604 of the 40212  
Revised Code is guilty of a misdemeanor of the second degree. 40213

(D) Whoever violates division (B) of section 5123.604 of the 40214  
Revised Code shall be fined not more than one thousand dollars. 40215  
Each violation constitutes a separate offense. 40216

**Sec. 5126.038.** (A)~~(1)~~ As used in this section, "professional 40217  
services" means all of the following services provided on behalf 40218  
of a county board of mental retardation and developmental 40219  
disabilities, members or employees of a county board, or both: 40220

~~(a)~~(1) Lobbying and other governmental affairs services; 40221

~~(b)~~(2) Legal services other than the legal services provided 40222  
by a county prosecutor or provided for the purpose of collective 40223  
bargaining; 40224

~~(c)~~(3) Public relation services; 40225

~~(d)~~(4) Consulting services; 40226

~~(e)~~(5) Personnel training services, not including tuition or 40227  
professional growth reimbursement programs for county board 40228  
members or employees. 40229

~~(2) "Professional services" does not mean services provided 40230~~



~~pursuant to a service contract as defined in section 5126.035 of~~ 40231  
~~the Revised Code.~~ 40232

(B) Each county board of mental retardation and developmental 40233  
disabilities shall submit to the board of county commissioners of 40234  
each county that is served by the county board, in accordance with 40235  
the normal budget process and as part of its budget request, a 40236  
list identifying the total expenditures projected for any of the 40237  
following: 40238

(1) Any membership dues of the members or employees of the 40239  
county board, in any organization, association, or other entity; 40240

(2) Any professional services of the county board, its 40241  
members or employees, or both; 40242

(3) Any training of the members or employees of the county 40243  
board. 40244

**Sec. 5126.042.** (A) As used in this section, "emergency" means 40245  
any situation that creates for an individual with mental 40246  
retardation or developmental disabilities a risk of substantial 40247  
self-harm or substantial harm to others if action is not taken 40248  
within thirty days. An "emergency" may include one or more of the 40249  
following situations: 40250

(1) Loss of present residence for any reason, including legal 40251  
action; 40252

(2) Loss of present caretaker for any reason, including 40253  
serious illness of the caretaker, change in the caretaker's 40254  
status, or inability of the caretaker to perform effectively for 40255  
the individual; 40256

(3) Abuse, neglect, or exploitation of the individual; 40257

(4) Health and safety conditions that pose a serious risk to 40258  
the individual or others of immediate harm or death; 40259

(5) Change in the emotional or physical condition of the individual that necessitates substantial accommodation that cannot be reasonably provided by the individual's existing caretaker.

(B) If a county board of mental retardation and developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request programs and services and may be offered the programs and services, it shall establish waiting lists for services. The board may establish priorities for making placements on its waiting lists according to an individual's emergency status and shall establish priorities in accordance with divisions (D) and (E) of this section.

The individuals who may be placed on a waiting list include individuals with a need for services on an emergency basis and individuals who have requested services for which resources are not available.

Except for an individual who is to receive priority for services pursuant to division (D)(3) of this section, an individual who currently receives a service but would like to change to another service shall not be placed on a waiting list but shall be placed on a service substitution list. The board shall work with the individual, service providers, and all appropriate entities to facilitate the change in service as expeditiously as possible. The board may establish priorities for making placements on its service substitution lists according to an individual's emergency status.

In addition to maintaining waiting lists and service substitution lists, a board shall maintain a long-term service planning registry for individuals who wish to record their intention to request in the future a service they are not currently receiving. The purpose of the registry is to enable the board to document requests and to plan appropriately. The board

may not place an individual on the registry who meets the 40292  
conditions for receipt of services on an emergency basis. 40293

(C) A county board shall establish a separate waiting list 40294  
for each of the following categories of services, and may 40295  
establish separate waiting lists within the waiting lists: 40296

(1) Early childhood services; 40297

(2) Educational programs for preschool and school age 40298  
children; 40299

(3) Adult services; 40300

(4) Service and support administration; 40301

(5) Residential services and supported living; 40302

(6) Transportation services; 40303

(7) Other services determined necessary and appropriate for 40304  
persons with mental retardation or a developmental disability 40305  
according to their individual habilitation or service plans; 40306

(8) Family support services provided under section 5126.11 of 40307  
the Revised Code. 40308

(D) Except as provided in division (G) of this section, a 40309  
county board shall do, as priorities, all of the following in 40310  
accordance with the assessment component, approved under section 40311  
5123.046 of the Revised Code, of the county board's plan developed 40312  
under section 5126.054 of the Revised Code: 40313

(1) For the purpose of obtaining additional federal medicaid 40314  
funds for home and community-based services and medicaid case 40315  
management services, do both of the following: 40316

(a) Give an individual who is eligible for home and 40317  
community-based services and meets both of the following 40318  
requirements priority over any other individual on a waiting list 40319  
established under division (C) of this section for home and 40320

community-based services that include supported living,	40321
residential services, or family support services:	40322
(i) Is twenty-two years of age or older;	40323
(ii) Receives supported living or family support services.	40324
(b) Give an individual who is eligible for home and	40325
community-based services and meets both of the following	40326
requirements priority over any other individual on a waiting list	40327
established under division (C) of this section for home and	40328
community-based services that include adult services:	40329
(i) Resides in the individual's own home or the home of the	40330
individual's family and will continue to reside in that home after	40331
enrollment in home and community-based services;	40332
(ii) Receives adult services from the county board.	40333
(2) As federal medicaid funds become available pursuant to	40334
division (D)(1) of this section, give an individual who is	40335
eligible for home and community-based services and meets any of	40336
the following requirements priority for such services over any	40337
other individual on a waiting list established under division (C)	40338
of this section:	40339
(a) Does not receive residential services or supported	40340
living, either needs services in the individual's current living	40341
arrangement or will need services in a new living arrangement, and	40342
has a primary caregiver who is sixty years of age or older;	40343
(b) Is less than twenty-two years of age and has at least one	40344
of the following service needs that are unusual in scope or	40345
intensity:	40346
(i) Severe behavior problems for which a behavior support	40347
plan is needed;	40348
(ii) An emotional disorder for which anti-psychotic	40349
medication is needed;	40350

(iii) A medical condition that leaves the individual 40351  
dependent on life-support medical technology; 40352

(iv) A condition affecting multiple body systems for which a 40353  
combination of specialized medical, psychological, educational, or 40354  
habilitation services are needed; 40355

(v) A condition the county board determines to be comparable 40356  
in severity to any condition described in ~~division~~ divisions 40357  
(D)(2)(b)(i) to (iv) of this section and places the individual at 40358  
significant risk of institutionalization. 40359

(c) Is twenty-two years of age or older, does not receive 40360  
residential services or supported living, and is determined by the 40361  
county board to have intensive needs for home and community-based 40362  
services on an in-home or out-of-home basis. 40363

(3) In fiscal years 2002 and 2003, give an individual who is 40364  
eligible for home and community-based services, resides in an 40365  
intermediate care facility for the mentally retarded or nursing 40366  
facility, chooses to move to another setting with the help of home 40367  
and community-based services, and has been determined by the 40368  
department of mental retardation and developmental disabilities to 40369  
be capable of residing in the other setting, priority over any 40370  
other individual on a waiting list established under division (C) 40371  
of this section for home and community-based services who does not 40372  
meet these criteria. The department of mental retardation and 40373  
developmental disabilities shall identify the individuals to 40374  
receive priority under division (D)(3) of this section, assess the 40375  
needs of the individuals, and notify the county boards that are to 40376  
provide the individuals priority under division (D)(3) of this 40377  
section of the individuals identified by the department and the 40378  
individuals' assessed needs. 40379

(E) Except as provided in division (G) of this section and 40380  
for a number of years and beginning on a date specified in rules 40381

adopted under division (K) of this section, a county board shall 40382  
give an individual who is eligible for home and community-based 40383  
services, resides in a nursing facility, and chooses to move to 40384  
another setting with the help of home and community-based 40385  
services, priority over any other individual on a waiting list 40386  
established under division (C) of this section for home and 40387  
community-based services who does not meet these criteria. 40388

(F) If two or more individuals on a waiting list established 40389  
under division (C) of this section for home and community-based 40390  
services have priority for the services pursuant to division 40391  
(D)(1) or (2) or (E) of this section, a county board may use, 40392  
until December 31, ~~2007~~ 2009, criteria specified in rules adopted 40393  
under division (K)(2) of this section in determining the order in 40394  
which the individuals with priority will be offered the services. 40395  
Otherwise, the county board shall offer the home and 40396  
community-based services to such individuals in the order they are 40397  
placed on the waiting list. 40398

(G)(1) No individual may receive priority for services 40399  
pursuant to division (D) or (E) of this section over an individual 40400  
placed on a waiting list established under division (C) of this 40401  
section on an emergency status. 40402

(2) No more than four hundred individuals in the state may 40403  
receive priority for services during the ~~2006~~ 2008 and ~~2007~~ 2009 40404  
biennium pursuant to division (D)(2)(b) of this section. 40405

(3) No more than a total of seventy-five individuals in the 40406  
state may receive priority for services during state fiscal years 40407  
2002 and 2003 pursuant to division (D)(3) of this section. 40408

(4) No more than forty individuals in the state may receive 40409  
priority for services pursuant to division (E) of this section for 40410  
each year that priority category is in effect as specified in 40411  
rules adopted under division (K) of this section. 40412

(H) Prior to establishing any waiting list under this 40413  
section, a county board shall develop and implement a policy for 40414  
waiting lists that complies with this section and rules adopted 40415  
under division (K) of this section. 40416

Prior to placing an individual on a waiting list, the county 40417  
board shall assess the service needs of the individual in 40418  
accordance with all applicable state and federal laws. The county 40419  
board shall place the individual on the appropriate waiting list 40420  
and may place the individual on more than one waiting list. The 40421  
county board shall notify the individual of the individual's 40422  
placement and position on each waiting list on which the 40423  
individual is placed. 40424

At least annually, the county board shall reassess the 40425  
service needs of each individual on a waiting list. If it 40426  
determines that an individual no longer needs a program or 40427  
service, the county board shall remove the individual from the 40428  
waiting list. If it determines that an individual needs a program 40429  
or service other than the one for which the individual is on the 40430  
waiting list, the county board shall provide the program or 40431  
service to the individual or place the individual on a waiting 40432  
list for the program or service in accordance with the board's 40433  
policy for waiting lists. 40434

When a program or service for which there is a waiting list 40435  
becomes available, the county board shall reassess the service 40436  
needs of the individual next scheduled on the waiting list to 40437  
receive that program or service. If the reassessment demonstrates 40438  
that the individual continues to need the program or service, the 40439  
board shall offer the program or service to the individual. If it 40440  
determines that an individual no longer needs a program or 40441  
service, the county board shall remove the individual from the 40442  
waiting list. If it determines that an individual needs a program 40443  
or service other than the one for which the individual is on the 40444

waiting list, the county board shall provide the program or 40445  
service to the individual or place the individual on a waiting 40446  
list for the program or service in accordance with the board's 40447  
policy for waiting lists. The county board shall notify the 40448  
individual of the individual's placement and position on the 40449  
waiting list on which the individual is placed. 40450

(I) A child subject to a determination made pursuant to 40451  
section 121.38 of the Revised Code who requires the home and 40452  
community-based services provided through a medicaid component 40453  
that the department of mental retardation and developmental 40454  
disabilities administers under section 5111.871 of the Revised 40455  
Code shall receive services through that medicaid component. For 40456  
all other services, a child subject to a determination made 40457  
pursuant to section 121.38 of the Revised Code shall be treated as 40458  
an emergency by the county boards and shall not be subject to a 40459  
waiting list. 40460

(J) Not later than the fifteenth day of March of each 40461  
even-numbered year, each county board shall prepare and submit to 40462  
the director of mental retardation and developmental disabilities 40463  
its recommendations for the funding of services for individuals 40464  
with mental retardation and developmental disabilities and its 40465  
proposals for reducing the waiting lists for services. 40466

(K)(1) The department of mental retardation and developmental 40467  
disabilities shall adopt rules in accordance with Chapter 119. of 40468  
the Revised Code governing waiting lists established under this 40469  
section. The rules shall include procedures to be followed to 40470  
ensure that the due process rights of individuals placed on 40471  
waiting lists are not violated. 40472

(2) As part of the rules adopted under this division, the 40473  
department shall adopt rules establishing criteria a county board 40474  
may use under division (F) of this section in determining the 40475  
order in which individuals with priority for home and 40476



community-based services will be offered the services. The rules 40477  
shall also specify conditions under which a county board, when 40478  
there is no individual with priority for home and community-based 40479  
services pursuant to division (D)(1) or (2) or (E) of this section 40480  
available and appropriate for the services, may offer the services 40481  
to an individual on a waiting list for the services but not given 40482  
such priority for the services. The rules adopted under division 40483  
(K)(2) of this section shall cease to have effect December 31, 40484  
~~2007~~ 2009. 40485

(3) As part of the rules adopted under this division, the 40486  
department shall adopt rules specifying both of the following for 40487  
the priority category established under division (E) of this 40488  
section: 40489

(a) The number of years, which shall not exceed five, that 40490  
the priority category will be in effect; 40491

(b) The date that the priority category is to go into effect. 40492

(L) The following shall take precedence over the applicable 40493  
provisions of this section: 40494

(1) Medicaid rules and regulations; 40495

(2) Any specific requirements that may be contained within a 40496  
medicaid state plan amendment or waiver program that a county 40497  
board has authority to administer or with respect to which it has 40498  
authority to provide services, programs, or supports. 40499

**Sec. 5126.046.** (A) Each county board of mental retardation 40500  
and developmental disabilities that has medicaid local 40501  
administrative authority under division (A) of section 5126.055 of 40502  
the Revised Code for habilitation, vocational, or community 40503  
employment services provided as part of home and community-based 40504  
services shall create a list of all persons and government 40505  
entities eligible to provide such habilitation, vocational, or 40506

community employment services. If the county board chooses and is 40507  
eligible to provide such habilitation, vocational, or community 40508  
employment services, the county board shall include itself on the 40509  
list. The county board shall make the list available to each 40510  
individual with mental retardation or other developmental 40511  
disability who resides in the county and is eligible for such 40512  
habilitation, vocational, or community employment services. The 40513  
county board shall also make the list available to such 40514  
individuals' families. 40515

An individual with mental retardation or other developmental 40516  
disability who is eligible for habilitation, vocational, or 40517  
community employment services may choose the provider of the 40518  
services. 40519

A county board that has medicaid local administrative 40520  
authority under division (A) of section 5126.055 of the Revised 40521  
Code for habilitation, vocational, and community employment 40522  
services provided as part of home and community-based services 40523  
shall pay the nonfederal share of the habilitation, vocational, 40524  
and community employment services when required by section 40525  
5126.057 of the Revised Code. The department of mental retardation 40526  
and developmental disabilities shall pay the nonfederal share of 40527  
such habilitation, vocational, and community employment services 40528  
when required by section 5123.047 of the Revised Code. 40529

(B) Each month, the department of mental retardation and 40530  
developmental disabilities shall create a list of all persons and 40531  
government entities eligible to provide residential services and 40532  
supported living. The department shall include on the list all 40533  
residential facilities licensed under section 5123.19 of the 40534  
Revised Code and all supported living providers certified under 40535  
section ~~5126.431~~ 5123.161 of the Revised Code. The department 40536  
shall distribute the monthly lists to county boards that have 40537  
local administrative authority under division (A) of section 40538

5126.055 of the Revised Code for residential services and 40539  
supported living provided as part of home and community-based 40540  
services. A county board that receives a list shall make it 40541  
available to each individual with mental retardation or other 40542  
developmental disability who resides in the county and is eligible 40543  
for such residential services or supported living. The county 40544  
board shall also make the list available to the families of those 40545  
individuals. 40546

An individual who is eligible for residential services or 40547  
supported living may choose the provider of the residential 40548  
services or supported living. 40549

A county board that has medicaid local administrative 40550  
authority under division (A) of section 5126.055 of the Revised 40551  
Code for residential services and supported living provided as 40552  
part of home and community-based services shall pay the nonfederal 40553  
share of the residential services and supported living when 40554  
required by section 5126.057 of the Revised Code. The department 40555  
shall pay the nonfederal share of the residential services and 40556  
supported living when required by section 5123.047 of the Revised 40557  
Code. 40558

(C) If a county board that has medicaid local administrative 40559  
authority under division (A) of section 5126.055 of the Revised 40560  
Code for home and community-based services violates the right 40561  
established by this section of an individual to choose a provider 40562  
that is qualified and willing to provide services to the 40563  
individual, the individual shall receive timely notice that the 40564  
individual may request a hearing under section 5101.35 of the 40565  
Revised Code. 40566

(D) The departments of mental retardation and developmental 40567  
disabilities and job and family services shall adopt rules in 40568  
accordance with Chapter 119. of the Revised Code governing the 40569  
implementation of this section. The rules shall include procedures 40570

for individuals to choose their service providers. The rules shall 40571  
not be limited by a provider selection system established under 40572  
section 5126.42 of the Revised Code, including any pool of 40573  
providers created pursuant to a provider selection system. 40574

**Sec. 5126.055.** (A) Except as provided in section 5126.056 of 40575  
the Revised Code, a county board of mental retardation and 40576  
developmental disabilities has medicaid local administrative 40577  
authority to, and shall, do all of the following for an individual 40578  
with mental retardation or other developmental disability who 40579  
resides in the county that the county board serves and seeks or 40580  
receives home and community-based services: 40581

(1) Perform assessments and evaluations of the individual. As 40582  
part of the assessment and evaluation process, the county board 40583  
shall do all of the following: 40584

(a) Make a recommendation to the department of mental 40585  
retardation and developmental disabilities on whether the 40586  
department should approve or deny the individual's application for 40587  
the services, including on the basis of whether the individual 40588  
needs the level of care an intermediate care facility for the 40589  
mentally retarded provides; 40590

(b) If the individual's application is denied because of the 40591  
county board's recommendation and the individual requests a 40592  
hearing under section 5101.35 of the Revised Code, present, with 40593  
the department of mental retardation and developmental 40594  
disabilities or department of job and family services, whichever 40595  
denies the application, the reasons for the recommendation and 40596  
denial at the hearing; 40597

(c) If the individual's application is approved, recommend to 40598  
the departments of mental retardation and developmental 40599  
disabilities and job and family services the services that should 40600  
be included in the individual's individualized service plan and, 40601

if either department approves, reduces, denies, or terminates a 40602  
service included in the individual's individualized service plan 40603  
under section 5111.871 of the Revised Code because of the county 40604  
board's recommendation, present, with the department that made the 40605  
approval, reduction, denial, or termination, the reasons for the 40606  
recommendation and approval, reduction, denial, or termination at 40607  
a hearing under section 5101.35 of the Revised Code. 40608

(2) If the individual has been identified by the department 40609  
of mental retardation and developmental disabilities as an 40610  
individual to receive priority for home and community-based 40611  
services pursuant to division (D)(3) of section 5126.042 of the 40612  
Revised Code, assist the department in expediting the transfer of 40613  
the individual from an intermediate care facility for the mentally 40614  
retarded or nursing facility to the home and community-based 40615  
services; 40616

(3) In accordance with the rules adopted under section 40617  
5126.046 of the Revised Code, perform the county board's duties 40618  
under that section regarding assisting the individual's right to 40619  
choose a qualified and willing provider of the services and, at a 40620  
hearing under section 5101.35 of the Revised Code, present 40621  
evidence of the process for appropriate assistance in choosing 40622  
providers; 40623

~~(4) Unless the county board provides the services under 40624  
division (A)(5) of this section, contract with the person or 40625  
government entity the individual chooses in accordance with 40626  
section 5126.046 of the Revised Code to provide the services if 40627  
the person or government entity is qualified and agrees to provide 40628  
the services. The contract shall contain all the provisions 40629  
required by section 5126.035 of the Revised Code and require the 40630  
provider to agree to furnish, in accordance with the provider's 40631  
medicaid provider agreement and for the authorized reimbursement 40632  
rate, the services the individual requires. 40633~~

~~(5)~~ If the county board is certified under section ~~5123.16~~ 40634  
5123.161 of the Revised Code to provide the services and agrees to 40635  
provide the services to the individual and the individual chooses 40636  
the county board to provide the services, furnish, in accordance 40637  
with the county board's medicaid provider agreement and for the 40638  
authorized reimbursement rate, the services the individual 40639  
requires; 40640

~~(6)~~(5) Monitor the services provided to the individual and 40641  
ensure the individual's health, safety, and welfare. The 40642  
monitoring shall include quality assurance activities. If the 40643  
county board provides the services, the department of mental 40644  
retardation and developmental disabilities shall also monitor the 40645  
services. 40646

~~(7)~~(6) Develop, with the individual and the provider of the 40647  
individual's services, an effective individualized service plan 40648  
that includes coordination of services, recommend that the 40649  
departments of mental retardation and developmental disabilities 40650  
and job and family services approve the plan, and implement the 40651  
plan unless either department disapproves it; 40652

~~(8)~~(7) Have an investigative agent conduct investigations 40653  
under section 5126.313 of the Revised Code that concern the 40654  
individual; 40655

~~(9)~~(8) Have a service and support administrator perform the 40656  
duties under division (B)(9) of section 5126.15 of the Revised 40657  
Code that concern the individual. 40658

(B) A county board shall perform its medicaid local 40659  
administrative authority under this section in accordance with all 40660  
of the following: 40661

(1) The county board's plan that the department of mental 40662  
retardation and developmental disabilities approves under section 40663  
5123.046 of the Revised Code; 40664

(2) All applicable federal and state laws;	40665
(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;	40666 40667 40668 40669
(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;	40670 40671 40672
(5) The department of mental retardation and developmental disabilities' oversight.	40673 40674
(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 protocols and other standards established by the United States department of health and human services that the departments determine appropriate for communication and training. County boards shall participate in the training. The departments shall assess the county board's compliance against uniform standards that the departments shall establish.	40675 40676 40677 40678 40679 40680 40681 40682 40683 40684 40685
(D) A county board may not delegate its medicaid local administrative authority granted under this section but may contract with a person or government entity, including a council of governments, for assistance with its medicaid local administrative authority. A county board that enters into such a contract shall notify the director of mental retardation and developmental disabilities. The notice shall include the tasks and responsibilities that the contract gives to the person or government entity. The person or government entity shall comply in full with all requirements to which the county board is subject	40686 40687 40688 40689 40690 40691 40692 40693 40694 40695

regarding the person or government entity's tasks and 40696  
responsibilities under the contract. The county board remains 40697  
ultimately responsible for the tasks and responsibilities. 40698

(E) A county board that has medicaid local administrative 40699  
authority under this section shall, through the departments of 40700  
mental retardation and developmental disabilities and job and 40701  
family services, reply to, and cooperate in arranging compliance 40702  
with, a program or fiscal audit or program violation exception 40703  
that a state or federal audit or review discovers. The department 40704  
of job and family services shall timely notify the department of 40705  
mental retardation and developmental disabilities and the county 40706  
board of any adverse findings. After receiving the notice, the 40707  
county board, in conjunction with the department of mental 40708  
retardation and developmental disabilities, shall cooperate fully 40709  
with the department of job and family services and timely prepare 40710  
and send to the department a written plan of correction or 40711  
response to the adverse findings. The county board is liable for 40712  
any adverse findings that result from an action it takes or fails 40713  
to take in its implementation of medicaid local administrative 40714  
authority. 40715

(F) If the department of mental retardation and developmental 40716  
disabilities or department of job and family services determines 40717  
that a county board's implementation of its medicaid local 40718  
administrative authority under this section is deficient, the 40719  
department that makes the determination shall require that county 40720  
board do the following: 40721

(1) If the deficiency affects the health, safety, or welfare 40722  
of an individual with mental retardation or other developmental 40723  
disability, correct the deficiency within twenty-four hours; 40724

(2) If the deficiency does not affect the health, safety, or 40725  
welfare of an individual with mental retardation or other 40726  
developmental disability, receive technical assistance from the 40727



department or submit a plan of correction to the department that 40728  
is acceptable to the department within sixty days and correct the 40729  
deficiency within the time required by the plan of correction. 40730

**Sec. 5126.057.** (A) A county board of mental retardation and 40731  
developmental disabilities that has medicaid local administrative 40732  
authority under division (A) of section 5126.055 of the Revised 40733  
Code for home and community-based services shall pay the 40734  
nonfederal share of medicaid expenditures for such services 40735  
provided to an individual with mental retardation or other 40736  
developmental disability who the county board determines under 40737  
section 5126.041 of the Revised Code is eligible for county board 40738  
services unless division (B)(2) or (3) of section 5123.047 of the 40739  
Revised Code requires the department of mental retardation and 40740  
developmental disabilities to pay the nonfederal share. 40741

A county board that provides medicaid case management 40742  
services shall pay the nonfederal share of medicaid expenditures 40743  
for such services provided to an individual with mental 40744  
retardation or other developmental disability who the county board 40745  
determines under section 5126.041 of the Revised Code is eligible 40746  
for county board services. 40747

(B) A county board may use the following funds to pay the 40748  
nonfederal share of the services that the county board is required 40749  
by division (A) of this section to pay: 40750

(1) To the extent consistent with the levy that generated the 40751  
taxes, the following taxes: 40752

(a) Taxes levied pursuant to division (L) of section 5705.19 40753  
of the Revised Code and section 5705.222 of the Revised Code; 40754

(b) Taxes levied under section 5705.191 of the Revised Code 40755  
that the board of county commissioners allocates to the county 40756  
board to pay the nonfederal share of the services. 40757

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

(3) Earned federal revenue funds the county board receives for medicaid services the county board provides pursuant to the county board's valid medicaid provider agreement;

(4) Funds that the department of mental retardation and developmental disabilities distributes to the county board as subsidy payments.

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

If by December 31, 2002, the United States secretary approves at least five hundred more slots for home and community-based services for calendar year 2003 than were available for calendar year 2002, each county board shall provide, by the last day of calendar year 2002, assurances to the department that the county board will have for calendar year 2003 at least two-thirds of the value of one-half, effective mill levied in the county the preceding year available to pay the nonfederal share of the services that the county board is required by division (A) of this section to pay.

If by December 31, 2003, the United States secretary approves 40789  
at least five hundred more slots for home and community-based 40790  
services for calendar year 2004 than were available for calendar 40791  
year 2003, each county board shall provide, by the last day of 40792  
calendar year 2003 and each calendar year thereafter, assurances 40793  
to the department that the county board will have for calendar 40794  
year 2004 and each calendar year thereafter at least the value of 40795  
one-half, effective mill levied in the county the preceding year 40796  
available to pay the nonfederal share of the services that the 40797  
county board is required by division (A) of this section to pay. 40798

(D) Each year, each county board shall adopt a resolution 40799  
specifying the amount of funds it will use in the next year to pay 40800  
the nonfederal share of the services that the county board is 40801  
required by division (A) of this section to pay. The amount 40802  
specified shall be adequate to assure that the services will be 40803  
available in the county in a manner that conforms to all 40804  
applicable state and federal laws. A county board shall state in 40805  
its resolution that the payment of the nonfederal share represents 40806  
an ongoing financial commitment of the county board. A county 40807  
board shall adopt the resolution in time for the county auditor to 40808  
make the determination required by division (E) of this section. 40809

(E) Each year, a county auditor shall determine whether the 40810  
amount of funds a county board specifies in the resolution it 40811  
adopts under division (D) of this section will be available in the 40812  
following year for the county board to pay the nonfederal share of 40813  
the services that the county board is required by division (A) of 40814  
this section to pay. The county auditor shall make the 40815  
determination not later than the last day of the year before the 40816  
year in which the funds are to be used. 40817

**Sec. 5126.06.** (A) Except as provided in division (B) of this 40818  
section and ~~section 5126.036 of the Revised Code~~, any person who 40819

has a complaint involving any of the programs, services, policies, 40820  
or administrative practices of a county board of mental 40821  
retardation and developmental disabilities or any of the entities 40822  
under contract with the county board, may file a complaint with 40823  
the board. Prior to commencing a civil action regarding the 40824  
complaint, a person shall attempt to have the complaint resolved 40825  
through the administrative resolution process established in the 40826  
rules adopted under section 5123.043 of the Revised Code. After 40827  
exhausting the administrative resolution process, the person may 40828  
commence a civil action if the complaint is not settled to the 40829  
person's satisfaction. 40830

(B) An employee of a county board may not file under this 40831  
section a complaint related to the terms and conditions of 40832  
employment of the employee. 40833

**Sec. 5126.11.** (A) As used in this section, "respite care" 40834  
means appropriate, short-term, temporary care that is provided to 40835  
a mentally retarded or developmentally disabled person to sustain 40836  
the family structure or to meet planned or emergency needs of the 40837  
family. 40838

(B) Subject to rules adopted by the director of mental 40839  
retardation and developmental disabilities, and subject to the 40840  
availability of money from state and federal sources, the county 40841  
board of mental retardation and developmental disabilities shall 40842  
establish a family support services program. Under such a program, 40843  
the board shall make payments to an individual with mental 40844  
retardation or other developmental disability or the family of an 40845  
individual with mental retardation or other developmental 40846  
disability who desires to remain in and be supported in the family 40847  
home. Payments shall be made for all or part of costs incurred or 40848  
estimated to be incurred for services that would promote 40849  
self-sufficiency and normalization, prevent or reduce 40850

inappropriate institutional care, and further the unity of the 40851  
family by enabling the family to meet the special needs of the 40852  
individual and to live as much like other families as possible. 40853  
Payments may be made in the form of reimbursement for expenditures 40854  
or in the form of vouchers to be used to purchase services. 40855

(C) Payment shall not be made under this section to an 40856  
individual or the individual's family if the individual is living 40857  
in a residential facility that is providing residential services 40858  
under contract with the department of mental retardation and 40859  
developmental disabilities or a county board. 40860

(D) Payments may be made for the following services: 40861

(1) Respite care, in or out of the home; 40862

(2) Counseling, supervision, training, and education of the 40863  
individual, the individual's caregivers, and members of the 40864  
individual's family that aid the family in providing proper care 40865  
for the individual, provide for the special needs of the family, 40866  
and assist in all aspects of the individual's daily living; 40867

(3) Special diets, purchase or lease of special equipment, or 40868  
modifications of the home, if such diets, equipment, or 40869  
modifications are necessary to improve or facilitate the care and 40870  
living environment of the individual; 40871

(4) Providing support necessary for the individual's 40872  
continued skill development, including such services as 40873  
development of interventions to cope with unique problems that may 40874  
occur within the complexity of the family, enrollment of the 40875  
individual in special summer programs, provision of appropriate 40876  
leisure activities, and other social skills development 40877  
activities; 40878

(5) Any other services that are consistent with the purposes 40879  
specified in division (B) of this section and specified in the 40880  
individual's service plan. 40881

(E) In order to be eligible for payments under a family support services program, the individual or the individual's family must reside in the county served by the county board, and the individual must be in need of habilitation. Payments shall be adjusted for income in accordance with the payment schedule established in rules adopted under this section. Payments shall be made only after the county board has taken into account all other available assistance for which the individual or family is eligible.

(F) Before incurring expenses for a service for which payment will be sought under a family support services program, the individual or family shall apply to the county board for a determination of eligibility and approval of the service. The service need not be provided in the county served by the county board. After being determined eligible and receiving approval for the service, the individual or family may incur expenses for the service or use the vouchers received from the county board for the purchase of the service.

If the county board refuses to approve a service, an appeal may be made in accordance with rules adopted by the department under this section.

(G) To be reimbursed for expenses incurred for approved services, the individual or family shall submit to the county board a statement of the expenses incurred accompanied by any evidence required by the board. To redeem vouchers used to purchase approved services, the entity that provided the service shall submit to the county board evidence that the service was provided and a statement of the charges. The county board shall make reimbursements and redeem vouchers no later than forty-five days after it receives the statements and evidence required by this division.

(H) A county board shall consider the following objectives in

carrying out a family support services program: 40914

(1) Enabling individuals to return to their families from an 40915  
institution under the jurisdiction of the department of mental 40916  
retardation and developmental disabilities; 40917

(2) Enabling individuals found to be subject to 40918  
institutionalization by court order under section 5123.76 of the 40919  
Revised Code to remain with their families with the aid of 40920  
payments provided under this section; 40921

(3) Providing services to eligible children and adults 40922  
currently residing in the community; 40923

(4) Providing services to individuals with developmental 40924  
disabilities who are not receiving other services from the board. 40925

(I) The director shall adopt, and may amend and rescind, 40926  
rules for the implementation of family support services programs 40927  
by county boards. Such rules shall include the following: 40928

(1) A payment schedule adjusted for income; 40929

(2) ~~A formula for distributing to county boards the money~~ 40930  
~~appropriated for family support services;~~ 40931

~~(3)~~ Standards for supervision, training, and quality control 40932  
in the provision of respite care services; 40933

~~(4)~~(3) Eligibility standards and procedures for providing 40934  
temporary emergency respite care; 40935

~~(5)~~(4) Procedures for hearing and deciding appeals made under 40936  
division (F) of this section; 40937

~~(6)~~ Requirements to be followed by county boards regarding 40938  
~~reports submitted under division (K) of this section.~~ 40939

Rules adopted under ~~divisions~~ division (I)(1) ~~and (2)~~ of this 40940  
section shall be adopted in accordance with section 111.15 of the 40941  
Revised Code. Rules adopted under divisions (I)~~(3)~~(2) to ~~(6)~~(4) of 40942

this section shall be adopted in accordance with Chapter 119. of 40943  
the Revised Code. 40944

(J) All individuals certified by the superintendent of the 40945  
county board as eligible for temporary emergency respite care in 40946  
accordance with rules adopted under this section shall be 40947  
considered eligible for temporary emergency respite care for not 40948  
more than five days to permit the determination of eligibility for 40949  
family support services. The requirements of divisions (E) and (F) 40950  
of this section do not apply to temporary emergency respite care. 40951

~~(K) The department of mental retardation and developmental 40952  
disabilities shall distribute to county boards money appropriated 40953  
for family support services in quarterly installments of equal 40954  
amounts. The installments shall be made not later than the 40955  
thirtieth day of September, the thirty first day of December, the 40956  
thirty first day of March, and the thirtieth day of June. A county 40957  
board shall use no more than seven per cent of the funds for 40958  
administrative costs. Each county board shall submit reports to 40959  
the department on payments made under this section. The reports 40960  
shall be submitted at those times and in the manner specified in 40961  
rules adopted under this section. 40962~~

~~(L) The county board shall not be required to make payments 40963  
for family support services at a level that exceeds available 40964  
state and federal funds for such payments. 40965~~

**Sec. 5126.12.** (A) As used in this section: 40966

(1) "Approved school age class" means a class operated by a 40967  
county board of mental retardation and developmental disabilities 40968  
and funded by the department of education under section 3317.20 of 40969  
the Revised Code. 40970

(2) "Approved preschool unit" means a class or unit operated 40971  
by a county board of mental retardation and developmental 40972



disabilities and approved under division (B) of section 3317.05 of the Revised Code. 40973  
40974

(3) "Active treatment" means a continuous treatment program, 40975  
which includes aggressive, consistent implementation of a program 40976  
of specialized and generic training, treatment, health services, 40977  
and related services, that is directed toward the acquisition of 40978  
behaviors necessary for an individual with mental retardation or 40979  
other developmental disability to function with as much 40980  
self-determination and independence as possible and toward the 40981  
prevention of deceleration, regression, or loss of current optimal 40982  
functional status. 40983

(4) "Eligible for active treatment" means that an individual 40984  
with mental retardation or other developmental disability resides 40985  
in an intermediate care facility for the mentally retarded 40986  
certified under Title XIX of the "Social Security Act," 79 Stat. 40987  
286 (1965), 42 U.S.C. 1396, as amended; resides in a state 40988  
institution operated by the department of mental retardation and 40989  
developmental disabilities; or is enrolled in home and 40990  
community-based services. 40991

(5) "Traditional adult services" means vocational and 40992  
nonvocational activities conducted within a sheltered workshop or 40993  
adult activity center or supportive home services. 40994

(B) Each county board of mental retardation and developmental 40995  
disabilities shall certify to the director of mental retardation 40996  
and developmental disabilities all of the following: 40997

(1) On or before the fifteenth day of October, the average 40998  
daily membership for the first full week of programs and services 40999  
during October receiving: 41000

(a) Early childhood services provided pursuant to section 41001  
5126.05 of the Revised Code for children who are less than three 41002  
years of age on the thirtieth day of September of the academic 41003

year;	41004
(b) Special education for handicapped children in approved school age classes;	41005 41006
(c) Adult services for persons sixteen years of age and older operated pursuant to section 5126.05 and division (B) of section 5126.051 of the Revised Code. Separate counts shall be made for the following:	41007 41008 41009 41010
(i) Persons enrolled in traditional adult services who are eligible for but not enrolled in active treatment;	41011 41012
(ii) Persons enrolled in traditional adult services who are eligible for and enrolled in active treatment;	41013 41014
(iii) Persons enrolled in traditional adult services but who are not eligible for active treatment;	41015 41016
(iv) Persons participating in community employment services. To be counted as participating in community employment services, a person must have spent an average of no less than ten hours per week in that employment during the preceding six months.	41017 41018 41019 41020
(d) Other programs in the county for individuals with mental retardation and developmental disabilities that have been approved for payment of subsidy by the department of mental retardation and developmental disabilities.	41021 41022 41023 41024
The membership in each such program and service in the county shall be reported on forms prescribed by the department of mental retardation and developmental disabilities.	41025 41026 41027
The department of mental retardation and developmental disabilities shall adopt rules defining full-time equivalent enrollees and for determining the average daily membership therefrom, except that certification of average daily membership in approved school age classes shall be in accordance with rules adopted by the state board of education. The average daily	41028 41029 41030 41031 41032 41033

membership figure shall be determined by dividing the amount 41034  
representing the sum of the number of enrollees in each program or 41035  
service in the week for which the certification is made by the 41036  
number of days the program or service was offered in that week. No 41037  
enrollee may be counted in average daily membership for more than 41038  
one program or service. 41039

(2) By the fifteenth day of December, the number of children 41040  
enrolled in approved preschool units on the first day of December; 41041

(3) On or before the thirtieth day of ~~March~~ April, an 41042  
itemized report of all income and operating expenditures for the 41043  
immediately preceding calendar year, in the format specified by 41044  
the department of mental retardation and developmental 41045  
disabilities; 41046

~~(4) By the fifteenth day of February, a report of the total 41047  
annual cost per enrollee for operation of programs and services in 41048  
the preceding calendar year. The report shall include a grand 41049  
total of all programs operated, the cost of the individual 41050  
programs, and the sources of funds applied to each program. 41051~~

~~(5) That each required certification and report is in 41052  
accordance with rules established by the department of mental 41053  
retardation and developmental disabilities and the state board of 41054  
education for the operation and subsidization of the programs and 41055  
services. 41056~~

~~(C) To compute payments under this section to the board for 41057  
the fiscal year, the department of mental retardation and 41058  
developmental disabilities shall use the certification of average 41059  
daily membership required by division (B)(1) of this section 41060  
exclusive of the average daily membership in any approved school 41061  
age class and the number in any approved preschool unit. 41062~~

~~(D) The department shall pay each county board for each 41063  
fiscal year an amount equal to nine hundred fifty dollars times 41064~~

~~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  
traditional adult services but who are not eligible for active  
treatment;~~

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

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

~~(F) The director of mental retardation and developmental  
disabilities shall make efforts to obtain increases in the  
subsidies for early childhood services and adult services so that  
the amount of the subsidies is equal to at least fifty per cent of  
the statewide average cost of those services minus any applicable  
federal reimbursements for those services. The director shall  
advise the director of budget and management of the need for any~~

~~such increases when submitting the biennial appropriations request 41096  
for the department. 41097~~

~~(G) In determining the reimbursement of a county board for 41098  
the provision of service and support administration, family 41099  
support services, and other services required or approved by the 41100  
director for which children three through twenty one years of age 41101  
are eligible, the department shall include the average daily 41102  
membership in approved school age or preschool units. The 41103  
department, in accordance with this section and upon receipt and 41104  
approval of the certification required by this section and any 41105  
other information it requires to enable it to determine a board's 41106  
payments, shall pay the agency providing the specialized training 41107  
the amounts payable under this section. 41108~~

**Sec. 5126.15.** (A) A county board of mental retardation and 41110  
developmental disabilities shall provide service and support 41111  
administration to each individual three years of age or older who 41112  
is eligible for service and support administration if the 41113  
individual requests, or a person on the individual's behalf 41114  
requests, service and support administration. A board shall 41115  
provide service and support administration to each individual 41116  
receiving home and community-based services. A board may provide, 41117  
in accordance with the service coordination requirements of 34 41118  
C.F.R. 303.23, service and support administration to an individual 41119  
under three years of age eligible for early intervention services 41120  
under 34 C.F.R. part 303. A board may provide service and support 41121  
administration to an individual who is not eligible for other 41122  
services of the board. Service and support administration shall be 41123  
provided in accordance with rules adopted under section 5126.08 of 41124  
the Revised Code. 41125

A board may provide service and support administration by 41126  
directly employing service and support administrators or by 41127

contracting with entities for the performance of service and 41128  
support administration. Individuals employed or under contract as 41129  
service and support administrators shall not be in the same 41130  
collective bargaining unit as employees who perform duties that 41131  
are not administrative. 41132

Individuals employed by a board as service and support 41133  
administrators shall not be assigned responsibilities for 41134  
implementing other services for individuals and shall not be 41135  
employed by or serve in a decision-making or policy-making 41136  
capacity for any other entity that provides programs or services 41137  
to individuals with mental retardation or developmental 41138  
disabilities. An individual employed as a conditional status 41139  
service and support administrator shall perform the duties of 41140  
service and support administration only under the supervision of a 41141  
management employee who is a service and support administration 41142  
supervisor. 41143

(B) The individuals employed by or under contract with a 41144  
board to provide service and support administration shall do all 41145  
of the following: 41146

(1) Establish an individual's eligibility for the services of 41147  
the county board of mental retardation and developmental 41148  
disabilities; 41149

(2) Assess individual needs for services; 41150

(3) Develop individual service plans with the active 41151  
participation of the individual to be served, other persons 41152  
selected by the individual, and, when applicable, the provider 41153  
selected by the individual, and recommend the plans for approval 41154  
by the department of mental retardation and developmental 41155  
disabilities when services included in the plans are funded 41156  
through medicaid; 41157

(4) Establish budgets for services based on the individual's 41158

assessed needs and preferred ways of meeting those needs;	41159
(5) Assist individuals in making selections from among the providers they have chosen;	41160 41161
(6) Ensure that services are effectively coordinated and provided by appropriate providers;	41162 41163
(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;	41164 41165 41166 41167
(8) Perform quality assurance reviews as a distinct function of service and support administration;	41168 41169
(9) Incorporate the results of quality assurance reviews and identified trends and patterns of unusual incidents and major unusual incidents into amendments of an individual's service plan for the purpose of improving and enhancing the quality and appropriateness of services rendered to the individual;	41170 41171 41172 41173 41174
(10) Ensure that each individual receiving services has a designated person who is responsible on a continuing basis for providing the individual with representation, advocacy, advice, and assistance related to the day-to-day coordination of services in accordance with the individual's service plan. The service and support administrator shall give the individual receiving services an opportunity to designate the person to provide daily representation. If the individual declines to make a designation, the administrator shall make the designation. In either case, the individual receiving services may change at any time the person designated to provide daily representation.	41175 41176 41177 41178 41179 41180 41181 41182 41183 41184 41185
<del>(C) Subject to available funds, the department of mental retardation and developmental disabilities shall pay a county board an annual subsidy for service and support administration. The amount of the subsidy shall be equal to the greater of twenty</del>	41186 41187 41188 41189

~~thousand dollars or two hundred dollars times the board's 41190  
certified average daily membership. The payments shall be made in 41191  
quarterly installments of equal amounts, which shall be made no 41192  
later than the thirtieth day of September, the thirty first day of 41193  
December, the thirty first day of March, and the thirtieth day of 41194  
June. Funds received shall be used solely for service and support 41195  
administration. 41196~~

**Sec. 5126.18.** (A) As used in this section: 41198

(1) "County board" means a county board of mental retardation 41199  
and developmental disabilities. 41200

(2) Notwithstanding section 5126.01 of the Revised Code, 41201  
"adult services" means the following services, as they are 41202  
identified on individual information forms submitted by county 41203  
boards to the department of mental retardation and developmental 41204  
disabilities ~~for the purpose of subsidies paid to county boards 41205  
under section 5126.12 of the Revised Code,~~ provided to an 41206  
individual with mental retardation or other developmental 41207  
disability who is at least twenty-two years of age: 41208

(a) Assessment; 41209

(b) Home service; 41210

(c) Adult program; 41211

(d) Community employment services; 41212

(e) Retirement. 41213

(3) "Adult services enrollment" means a county board's 41214  
average daily membership in adult services, exclusive of such 41215  
services provided to individuals served solely through service and 41216  
support administration provided pursuant to section 5126.15 of the 41217  
Revised Code or family support services provided pursuant to 41218  
section 5126.11 of the Revised Code. 41219



- (4) "Taxable value" means the taxable value of a county board certified under division (B)(1) of this section. 41220  
41221
- (5) "Per-mill yield" of a county board means the quotient obtained by dividing (a) the taxable value of the county board by (b) one thousand. 41222  
41223  
41224
- (6) "Local adult services cost" means a county board's expenditures for adult services, excluding all federal and state reimbursements and subsidy allocations received by such boards and expended for such services, as certified under section 5126.12 of the Revised Code. 41225  
41226  
41227  
41228  
41229
- (7) "Statewide average millage" means one thousand multiplied by the quotient obtained by dividing (a) the total of the local adult services costs of all county boards by (b) the total of the taxable values of all county boards. 41230  
41231  
41232  
41233
- (8) "County yield" of a county board means the product obtained by multiplying (a) the statewide average millage by (b) the per-mill yield of the county board. 41234  
41235  
41236
- (9) "County yield per enrollee" of a county board means the quotient obtained by dividing (a) the county yield of the county board by (b) the adult enrollment of the county board. 41237  
41238  
41239
- (10) "Statewide yield per enrollee" means the quotient obtained by dividing (a) the sum of the county yields of all county boards by (b) the sum of the adult enrollments of all county boards. 41240  
41241  
41242  
41243
- (11) "Local tax effort for adult services" of a county board means one thousand multiplied by the quotient obtained by dividing (a) the local adult services cost of the county board by (b) the taxable value of the county board. 41244  
41245  
41246  
41247
- (12) "Funding percentage" for a fiscal year means the percentage that the amount appropriated to the department for the 41248  
41249

purpose of making payments under this section in the fiscal year 41250  
is of the amount computed under division (C)(3) of this section 41251  
for the fiscal year. 41252

(13) "Funding-adjusted required millage" for a fiscal year 41253  
means the statewide average millage multiplied by the funding 41254  
percentage for that fiscal year. 41255

(B)(1) On the request of the director of mental retardation 41256  
and developmental disabilities, the tax commissioner shall provide 41257  
to the department of mental retardation and developmental 41258  
disabilities information specifying the taxable value of property 41259  
on each county's tax list of real and public utility property and 41260  
tax list of personal property for the most recent tax year for 41261  
which such information is available. The director may request any 41262  
other tax information necessary for the purposes of this section. 41263

(2) On the request of the director, each county board shall 41264  
report the county board's adult services enrollment and local 41265  
adult services cost. 41266

(C) Each year, the department of mental retardation and 41267  
developmental disabilities shall compute the following: 41268

(1) For each county board, the amount, if any, by which the 41269  
statewide yield per enrollee exceeds the county yield per 41270  
enrollee; 41271

(2) For each county board, the amount of any excess computed 41272  
under division (C)(1) of this section multiplied by the adult 41273  
services enrollment of the county board; 41274

(3) The sum of the amounts computed under division (C)(2) of 41275  
this section for all county boards. 41276

(D) From money appropriated for the purpose, the department 41277  
shall provide for payment to each county board of the amount 41278  
computed for that county board under division (C)(2) of this 41279

section, subject to any reduction or adjustment under division 41280  
(E), (F), or (G) of this section. The department shall make the 41281  
payments in quarterly installments of equal amounts. The 41282  
installments shall be made not later than the thirtieth day of 41283  
September, thirty-first day of December, thirty-first day of 41284  
March, and thirtieth day of June. 41285

(E) If a county board's local tax effort for adult services 41286  
is less than the funding-adjusted required millage, the director 41287  
shall reduce the amount of payment otherwise computed under 41288  
division (C)(2) of this section so that the amount paid, after the 41289  
reduction, is the same percentage of the amount computed under 41290  
division (C)(2) of this section as the county board's local tax 41291  
effort for adult services is of the funding-adjusted required 41292  
millage. 41293

If the director reduces the amount of a county board's 41294  
payment under this division, the department, not later than the 41295  
fifteenth day of July, shall notify the county board of the 41296  
reduction and the amount of the reduction. The notice shall 41297  
include a statement that the county board may request to be 41298  
exempted from the reduction by filing a request with the director, 41299  
in the manner and form prescribed by the director, within 41300  
twenty-one days after such notification is issued. The board may 41301  
present evidence of its attempt to obtain passage of levies or any 41302  
other extenuating circumstances the board considers relevant. If 41303  
the county board requests a hearing before the director to present 41304  
such evidence, the director shall conduct a hearing on the request 41305  
unless the director exempts the board from the reduction on the 41306  
basis of the evidence presented in the request filed by the board. 41307  
Upon receiving a properly and timely filed request for exemption, 41308  
but not later than the thirty-first day of August, the director 41309  
shall determine whether the county board shall be exempted from 41310  
all or a part of the reduction. The director may exempt the board 41311

from all or part of the reduction if the director finds that the board has made good faith efforts to obtain passage of tax levies or that there are extenuating circumstances.

(F) If a payment is reduced under division (E) of this section and the director does not exempt the county board from the reduction, the amount of the reduction shall be apportioned among all county boards entitled to payments under this section for which payments were not so reduced. The amount apportioned to each county board shall be proportionate to the amount of the board's payment as computed under division (C)(2) of this section.

(G) If, for any fiscal year, the amount appropriated to the department for the purpose of this section is less than the amount computed under division (C)(3) of this section for the fiscal year, the department shall adjust the amount of each payment as computed under divisions (C)(2), (E), and (F) of this section by multiplying that amount by the funding percentage.

(H) The payments authorized by this section are supplemental to all other funds that may be received by a county board. A county board shall use the payments solely to pay the nonfederal share of medicaid expenditures that division (A) of section 5126.057 of the Revised Code requires the county board to pay.

**Sec. 5126.19.** (A) The director of mental retardation and developmental disabilities may grant temporary funding from the community mental retardation and developmental disabilities trust fund based on allocations to county boards of mental retardation and developmental disabilities. The director may distribute all or part of the funding directly to a county board, the persons who provide the services for which the funding is granted, or persons with mental retardation or developmental disabilities who are to receive those services.

(B) Funding granted under division (A) of this section shall

be granted according to the availability of moneys in the fund and 41343  
priorities established by the director. Funding may be granted for 41344  
any of the following purposes: 41345

(1) Behavioral or short-term interventions for persons with 41346  
mental retardation or developmental disabilities that assist them 41347  
in remaining in the community by preventing institutionalization; 41348

(2) Emergency respite care services, as defined in section 41349  
5126.11 of the Revised Code; 41350

(3) Family support services provided under section 5126.11 of 41351  
the Revised Code; 41352

(4) Supported living, as defined in section 5126.01 of the 41353  
Revised Code; 41354

(5) Staff training for county board employees, employees of 41355  
providers of residential services as defined in section 5126.01 of 41356  
the Revised Code, and other personnel under contract with a county 41357  
board, to provide the staff with necessary training in serving 41358  
mentally retarded or developmentally disabled persons in the 41359  
community; 41360

(6) Short-term provision of early childhood services provided 41361  
under section 5126.05, adult services provided under sections 41362  
5126.05 and 5126.051, and service and support administration 41363  
provided under section 5126.15 of the Revised Code, when local 41364  
moneys are insufficient to meet the need for such services due to 41365  
the successive failure within a two-year period of three or more 41366  
proposed levies for the services; 41367

(7) Contracts with providers of residential services to 41368  
maintain persons with mental retardation and developmental 41369  
disabilities in their programs and avoid institutionalization. 41370

(C) If the trust fund contains more than ten million dollars 41371  
on the first day of July the director shall use ~~one million~~ 41372

dollars for payments under section 5126.12 of the Revised Code, 41373  
one million dollars for payments under section 5126.18 of the 41374  
Revised Code, ~~and two million dollars for payments under section~~ 41375  
~~5126.44 of the Revised Code~~ subsidies to county boards for 41376  
supported living, and one million dollars for subsidies to county 41377  
boards for early childhood services and adult services provided 41378  
under section 5126.05 of the Revised Code. Distributions of funds 41379  
under this division shall be made prior to August 31 of the state 41380  
fiscal year in which the funds are available. The funds shall be 41381  
allocated to a county board in an amount equal to the same 41382  
percentage of the total amount allocated to the county board the 41383  
immediately preceding state fiscal year. 41384

(D) In addition to making grants under division (A) of this 41385  
section, the director may use money available in the trust fund 41386  
for the same purposes that rules adopted under section 5123.0413 41387  
of the Revised Code provide for money in the state MR/DD risk fund 41388  
and the state insurance against MR/DD risk fund, both created 41389  
under that section, to be used. 41390

**Sec. 5126.25.** (A) The director of mental retardation and 41391  
developmental disabilities shall adopt rules in accordance with 41392  
Chapter 119. of the Revised Code establishing uniform standards 41393  
and procedures for the certification of persons for employment by 41394  
county boards of mental retardation and developmental disabilities 41395  
as superintendents, management employees, and professional 41396  
employees and uniform standards and procedures for the 41397  
registration of persons for employment by county boards as 41398  
registered service employees. As part of the rules, the director 41399  
may establish continuing education and professional training 41400  
requirements for renewal of certificates and evidence of 41401  
registration and shall establish such requirements for renewal of 41402  
an investigative agent certificate. In the rules, the director 41403  
shall establish certification standards for employment in the 41404

position of investigative agent that require an individual to have 41405  
or obtain no less than an associate degree from an accredited 41406  
college or university or have or obtain comparable experience or 41407  
training. The director shall not adopt rules that require any 41408  
service employee to have or obtain a bachelor's or higher degree. 41409

The director shall adopt the rules in a manner that provides 41410  
for the issuance of certificates and evidence of registration 41411  
according to categories, levels, and grades. The rules shall 41412  
describe each category, level, and grade. 41413

The rules adopted under this division shall apply to persons 41414  
employed or seeking employment in a position that includes 41415  
directly providing, or supervising persons who directly provide, 41416  
services or instruction to or on behalf of individuals with mental 41417  
retardation or developmental disabilities, except that the rules 41418  
shall not apply to persons who hold a valid license issued under 41419  
Chapter 3319. of the Revised Code and perform no duties other than 41420  
teaching or supervision of a teaching program or persons who hold 41421  
a valid license or certificate issued under Title XLVII of the 41422  
Revised Code and perform only those duties governed by the license 41423  
or certificate. The rules shall specify the positions that require 41424  
certification or registration. The rules shall specify that the 41425  
position of investigative agent requires certification. 41426

(B) The director shall adopt rules in accordance with Chapter 41427  
119. of the Revised Code establishing standards for approval of 41428  
courses of study to prepare persons to meet certification 41429  
requirements. The director shall approve courses of study meeting 41430  
the standards and provide for the inspection of the courses to 41431  
ensure the maintenance of satisfactory training procedures. The 41432  
director shall approve courses of study only if given by a state 41433  
university or college as defined in section 3345.32 of the Revised 41434  
Code, a state university or college of another state, or an 41435  
institution that has received a certificate of authorization to 41436

confer degrees from the board of regents pursuant to Chapter 1713. 41437  
of the Revised Code or from a comparable agency of another state. 41438

(C) Each applicant for a certificate for employment or 41439  
evidence of registration for employment by a county board shall 41440  
apply to the department of mental retardation and developmental 41441  
disabilities on forms that the director of the department shall 41442  
prescribe and provide. The application shall be accompanied by the 41443  
application fee established in rules adopted under this section. 41444

(D) The director shall issue a certificate for employment to 41445  
each applicant who meets the standards for certification 41446  
established under this section and shall issue evidence of 41447  
registration for employment to each applicant who meets the 41448  
standards for registration established under this section. Each 41449  
certificate or evidence of registration shall state the category, 41450  
level, and grade for which it is issued. 41451

The director shall issue, renew, deny, suspend, or revoke 41452  
certificates and evidence of registration in accordance with rules 41453  
adopted under this section. The director shall deny, suspend, or 41454  
revoke a certificate or evidence of registration if the director 41455  
finds, pursuant to an adjudication conducted in accordance with 41456  
Chapter 119. of the Revised Code, that the applicant for or holder 41457  
of the certificate or evidence of registration is guilty of 41458  
intemperate, immoral, or other conduct unbecoming to the 41459  
applicant's or holder's position, or is guilty of incompetence or 41460  
negligence within the scope of the applicant's or holder's duties. 41461  
The director shall deny or revoke a certificate or evidence of 41462  
registration if the director finds, pursuant to an adjudication 41463  
conducted in accordance with Chapter 119. of the Revised Code, 41464  
that the applicant for or holder of the certificate or evidence of 41465  
registration has been convicted of or pleaded guilty to any of the 41466  
offenses described in division (E) of section 5126.28 of the 41467  
Revised Code, unless the individual meets standards for 41468



rehabilitation that the director establishes in the rules adopted 41469  
under that section. Evidence supporting such allegations shall be 41470  
presented to the director in writing and the director shall 41471  
provide prompt notice of the allegations to the person who is the 41472  
subject of the allegations. A denial, suspension, or revocation 41473  
may be appealed in accordance with procedures the director shall 41474  
establish in the rules adopted under this section. 41475

(E)(1) A person holding a valid certificate under this 41476  
section on the effective date of any rules adopted under this 41477  
section that increase certification standards shall have such 41478  
period as the rules prescribe, but not less than one year after 41479  
the effective date of the rules, to meet the new certification 41480  
standards. 41481

A person who is registered under this section on the 41482  
effective date of any rule that changes the standards adopted 41483  
under this section shall have such period as the rules prescribe, 41484  
but not less than one year, to meet the new registration 41485  
standards. 41486

(2) If an applicant for a certificate for employment has not 41487  
completed the courses of instruction necessary to meet the 41488  
department's standards for certification, the department shall 41489  
inform the applicant of the courses the applicant must 41490  
successfully complete to meet the standards and shall specify the 41491  
time within which the applicant must complete the courses. The 41492  
department shall grant the applicant at least one year to complete 41493  
the courses and shall not require the applicant to complete more 41494  
than four courses in any one year. The applicant is not subject to 41495  
any changes regarding the courses required for certification that 41496  
are made after the department informs the applicant of the courses 41497  
the applicant must complete, unless the applicant does not 41498  
successfully complete the courses within the time specified by the 41499  
department. 41500

(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.

(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.

(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 that the employees have met the requirements and permit representatives of the department access to the evidence on request.

(I) All fees collected pursuant to this section shall be deposited in the state treasury to the credit of the ~~employee certification and registration program fee fund, which is hereby~~ created under section 5123.033 of the Revised Code. ~~Money credited to the fund shall be used solely for the operation of the certification and registration program established under this section and for providing continuing training to county board employees.~~

(J) Employees of entities that contract with county boards of mental retardation and developmental disabilities to operate programs and services for individuals with mental retardation and developmental disabilities are subject to the certification and registration requirements established under section 5123.082 of

the Revised Code. 41533

**Sec. 5126.40.** (A) Sections 5126.40 to 5126.47 of the Revised Code do not apply to medicaid-funded supported living. 41534  
41535

(B) As used in ~~this section and~~ sections ~~5126.41~~ 5126.40 to 41536  
5126.47 of the Revised Code, "provider" means a person or 41537  
government entity certified by the ~~department~~ director of mental 41538  
retardation and developmental disabilities to provide supported 41539  
living for individuals with mental retardation and developmental 41540  
disabilities. 41541

~~(B) This division is in effect until July 1, 1995. By~~ 41542  
~~adoption of a resolution by affirmative vote of a majority of its~~ 41543  
~~members, a county board of mental retardation and developmental~~ 41544  
~~disabilities shall have authority to plan and develop supported~~ 41545  
~~living for individuals with mental retardation and developmental~~ 41546  
~~disabilities who are residents of the county and, as provided in~~ 41547  
~~sections 5126.41 to 5126.47 of the Revised Code, contract with~~ 41548  
~~providers and enter into shared funding arrangements. The board's~~ 41549  
~~authority under this division is effective on the department's~~ 41550  
~~receipt of the resolution.~~ 41551

(C) On and after July 1, 1995, each county board shall plan 41552  
and develop supported living for individuals with mental 41553  
retardation and developmental disabilities who are residents of 41554  
the county in accordance with sections 5126.41 to 5126.47 of the 41555  
Revised Code. 41556

**Sec. 5126.42.** (A) A county board of mental retardation and 41557  
developmental disabilities shall establish an advisory council 41558  
composed of board members or employees of the board, providers, 41559  
individuals receiving supported living, and advocates for 41560  
individuals receiving supported living to provide on-going 41561  
communication among all persons concerned with supported living. 41562

(B) The board shall develop procedures for the resolution of 41563  
grievances between the board and providers or between the board 41564  
and an entity with which it has a shared funding agreement. 41565

(C) The board shall develop and implement a provider 41566  
selection system. Each system shall enable an individual to choose 41567  
to continue receiving supported living from the same providers, to 41568  
select additional providers, or to choose alternative providers. 41569  
Annually, the board shall review its provider selection system to 41570  
determine whether it has been implemented in a manner that allows 41571  
individuals fair and equitable access to providers. 41572

In developing a provider selection system, the county board 41573  
shall create a pool of providers for individuals to use in 41574  
choosing their providers of supported living. The pool shall be 41575  
created by placing in the pool all providers on record with the 41576  
board or by placing in the pool all providers approved by the 41577  
board through soliciting requests for proposals for supported 41578  
living contracts. In either case, only providers that are 41579  
certified by the ~~department~~ director of mental retardation and 41580  
developmental disabilities ~~and in compliance with the quality~~ 41581  
~~assurance standards established in rules adopted by the department~~ 41582  
may be placed in the pool. 41583

If the board places all providers on record in the pool, the 41584  
board shall review the pool at least annually to determine whether 41585  
each provider has continued interest in being a provider and has 41586  
maintained its certification by the department. At any time, an 41587  
interested and certified provider may make a request to the board 41588  
that it be added to the pool, and the board shall add the provider 41589  
to the pool not later than seven days after receiving the request. 41590

If the board solicits requests for proposals for inclusion of 41591  
providers in the pool, the board shall develop standards for 41592  
selecting the providers to be included. Requests for proposals 41593  
shall be solicited at least annually. When requests are solicited, 41594

the board shall cause legal notices to be published at least once 41595  
each week for two consecutive weeks in a newspaper with general 41596  
circulation within the county. The board's formal request for 41597  
proposals shall include a description of any applicable contract 41598  
terms, the standards that are used to select providers for 41599  
inclusion in the pool, and the process the board uses to resolve 41600  
disputes arising from the selection process. The board shall 41601  
accept requests from any entity interested in being a provider of 41602  
supported living for individuals served by the board. Requests 41603  
shall be approved or denied according to the standards developed 41604  
by the board. Providers that previously have been placed in the 41605  
pool are not required to resubmit a request for proposal to be 41606  
included in the pool, unless the board's standards have been 41607  
changed. 41608

In assisting an individual in choosing a provider, the county 41609  
board shall provide the individual with uniform and consistent 41610  
information pertaining to each provider in the pool, ~~including the~~ 41611  
~~provider evaluations conducted under section 5126.431 of the~~ 41612  
~~Revised Code on and after July 1, 1995.~~ An individual may choose 41613  
to receive supported living from a provider that is not included 41614  
in the pool, if the provider is certified by the ~~department~~ 41615  
director of mental retardation and developmental disabilities ~~and~~ 41616  
~~in compliance with the quality assurance standards established in~~ 41617  
~~rules adopted by the department.~~ 41618

**Sec. 5126.43.** (A) After receiving notice from the department 41619  
of mental retardation and developmental disabilities of the amount 41620  
of state funds to be distributed to it ~~under section 5126.44 of~~ 41621  
~~the Revised Code for planning, developing, contracting for, and~~ 41622  
providing supported living, the county board of mental retardation 41623  
and developmental disabilities shall arrange for supported living 41624  
on behalf of and with the consent of individuals based on their 41625  
individual service plans developed under section 5126.41 of the 41626

Revised Code. With the state distribution and any other money 41627  
designated by the board for supported living, the board shall 41628  
arrange for supported living in one or more of the following ways: 41629

(1) By contracting under section 5126.45 of the Revised Code 41630  
with providers selected by the individual to be served; 41631

(2) By entering into shared funding agreements with state 41632  
agencies, local public agencies, or political subdivisions at 41633  
rates negotiated by the board; 41634

(3) By providing direct payment or vouchers to be used to 41635  
purchase supported living, pursuant to a written contract in an 41636  
amount determined by the board, to the individual or a person 41637  
providing the individual with protective services as defined in 41638  
section 5123.55 of the Revised Code. 41639

(B) ~~When the board contracts for supported living on behalf~~ 41640  
~~of an individual, the~~ The board may contract arrange for supported 41641  
living only with providers that are certified by the ~~department~~ 41642  
director of mental retardation and developmental disabilities ~~and~~ 41643  
~~are in compliance with the quality assurance standards established~~ 41644  
~~in rules adopted by the department. The contract terms shall be as~~ 41645  
~~provided in section 5126.45 of the Revised Code.~~ 41646

When no certified provider is willing and able to provide 41647  
supported living for an individual in accordance with the terms of 41648  
the individual service plan for that individual, a county board 41649  
may provide supported living directly, if it ~~complies with~~ 41650  
~~certification and quality assurance standards established by the~~ 41651  
~~department~~ is certified by the director of mental retardation and 41652  
developmental disabilities to provide supported living. 41653

A county board may, for a period not to exceed ninety days, 41654  
contract for or provide supported living without meeting the 41655  
requirements of this section for an individual it determines to be 41656  
in emergency need of supported living. Thereafter, the individual 41657

shall choose providers in accordance with sections 5126.41 and 41658  
5126.42 of the Revised Code. 41659

**Sec. 5126.45.** (A) A contract between a county board of mental 41660  
retardation and developmental disabilities and a provider of 41661  
supported living shall be in writing and shall be based on the 41662  
individual service plan developed by the individual under section 41663  
5126.41 of the Revised Code. The plan may be submitted as an 41664  
addendum to the contract. An individual receiving services 41665  
pursuant to a contract shall be considered a third-party 41666  
beneficiary to the contract. 41667

~~The board shall not contract with a provider to provide a 41668  
residence to a person to whom the provider is providing other 41669  
supported living services, unless one of the following applies:~~ 41670

~~(1) The provider is under contract with the board for both 41671  
residence and services on July 17, 1990, and the contract is being 41672  
renewed. 41673~~

~~(2) The provider has a contract being transferred from the 41674  
state to the county board under section 5126.451 of the Revised 41675  
Code and the contract is being renewed. 41676~~

~~(3) The provider lives in the residence and provides services 41677  
to not more than three persons who reside in the residence at any 41678  
one time. 41679~~

~~(4) The provider is an association of family members related 41680  
to two or more of the persons who reside in the residence and 41681  
provides services to not more than four persons who reside in the 41682  
residence at any one time. 41683~~

(B) The contract shall be negotiated between the provider and 41684  
the county board. The terms of the contract shall include at least 41685  
the following: 41686

(1) The contract period and conditions for renewal; 41687

(2) The services to be provided pursuant to the individual service plan;	41688
	41689
(3) The rights and responsibilities of all parties to the contract;	41690
	41691
(4) The methods that will be used to evaluate the services delivered by the provider;	41692
	41693
(5) Procedures for contract modification that ensure all parties affected by the modification are involved and agree;	41694
	41695
(6) A process for resolving conflicts between individuals receiving services, the county board, and the provider, as applicable;	41696
	41697
	41698
(7) Procedures for the retention of applicable records;	41699
(8) Provisions for contract termination by any party involved that include requirements for an appropriate notice of intent to terminate the contract;	41700
	41701
	41702
(9) Methods to be used to document services provided;	41703
(10) Procedures for submitting reports required by the county board as a condition of receiving payment under the contract;	41704
	41705
(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;	41706
	41707
	41708
(12) Provisions for conducting fiscal reconciliations for payments made through methods other than a fee-for-service arrangement.	41709
	41710
	41711
(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.	41712
	41713
	41714
Goods or services provided without charge to the provider shall not be included as expenditures of the provider.	41715
	41716



(D) The board shall establish procedures for reconciling 41717  
expenditures and payments, other than those made under a 41718  
fee-for-service arrangement, for the prior contract year when a 41719  
contract is not renewed and shall reconcile expenditures and 41720  
payments in accordance with these procedures. 41721

(E) A provider or an entity with which the board has entered 41722  
into a shared funding agreement may appeal a negotiated contract 41723  
or proposed shared funding rate to the county board using the 41724  
procedures established by the board under section 5126.42 of the 41725  
Revised Code. 41726

**Sec. 5126.47.** A county board of mental retardation and 41727  
developmental disabilities ~~that has adopted a resolution under~~ 41728  
~~section 5126.40 of the Revised Code~~ may, pursuant to a resolution 41729  
adopted by an affirmative vote of the majority of its members, 41730  
establish, by agreement with one or more other county boards of 41731  
mental retardation and developmental disabilities, a residential 41732  
services consortium to jointly provide residential services and 41733  
supported living. The agreement shall designate one board to 41734  
assume the fiscal responsibilities for the consortium. The county 41735  
auditor of the designated county shall establish a community 41736  
mental retardation and developmental disabilities residential 41737  
services fund for the consortium. Each board that is a member of 41738  
the consortium shall cause to be deposited in the fund ~~all moneys~~ 41739  
~~distributed to it by the department of mental retardation and~~ 41740  
~~developmental disabilities under section 5126.44 of the Revised~~ 41741  
~~Code and any other~~ state or federal money received for community 41742  
residential services the county board has agreed to contribute to 41743  
the consortium. 41744

**Sec. 5139.27.** The department of youth services shall adopt 41745  
rules prescribing the minimum standards of construction for a 41746  
school, forestry camp, or other facility established under section 41747

2151.65 of the Revised Code for which financial assistance may be 41748  
granted to assist in defraying the cost of the construction of the 41749  
school, forestry camp, or other facility. If an application for 41750  
that financial assistance is filed with the department under 41751  
section 2151.651 of the Revised Code, and the department finds 41752  
that the application is in proper form and the specifications for 41753  
the construction of the school, forestry camp, or other facility 41754  
meet the minimum standards set forth in the rules adopted by the 41755  
department, the department may, from moneys available to it for 41756  
granting financial assistance for the construction of schools, 41757  
forestry camps, or other facilities established under section 41758  
2151.65 of the Revised Code, grant financial assistance to the 41759  
county making the application, subject to the approval of the 41760  
controlling board, in an amount not to exceed one-half of the 41761  
county's share of the cost of construction of the school, forestry 41762  
camp, or other facility but not to exceed six thousand five 41763  
hundred dollars for each bed unit provided for in the school, 41764  
forestry camp, or other facility. As used in this section, 41765  
"construction" means the building and the initial equipping of new 41766  
structures and, to the extent provided for in rules adopted by the 41767  
department, the acquisition, remodeling, and initial equipping of 41768  
existing structures, excluding architect's fees and the cost of 41769  
land acquisition. 41770

A county that receives financial assistance under this 41771  
section shall not be obligated to repay the assistance to the 41772  
state unless the school, forestry camp, or other facility for 41773  
which the assistance is granted is used within the ten-year period 41774  
immediately following its establishment for other than the purpose 41775  
of rehabilitating children between the ages of twelve to eighteen 41776  
years, other than psychotic or mentally retarded children, who are 41777  
designated delinquent children, as defined in section 2152.02 of 41778  
the Revised Code, or unruly, as defined in section 2151.022 of the 41779  
Revised Code, by order of a juvenile court. If the department of 41780

youth services finds that the school, forestry camp, or other 41781  
facility is used for other than that purpose within that ten-year 41782  
period, the county shall be obligated to repay the assistance to 41783  
the state and, through its board of county commissioners, may 41784  
enter into an agreement with the director of budget and management 41785  
for the discharge of that obligation over a period not to exceed 41786  
ten years in duration. Whenever a county is obligated to repay 41787  
that assistance to the state and its board of county commissioners 41788  
fails to enter into or fails to comply with an agreement for the 41789  
discharge of that obligation, the tax commissioner, pursuant to 41790  
section 5747.54 of the Revised Code, shall withhold from 41791  
distribution to the county from the local ~~government~~ communities 41792  
fund an amount sufficient to discharge the county from that 41793  
obligation to the state. 41794

**Sec. 5139.271.** Subject to the approval of the controlling 41795  
board, the department of youth services may grant and pay 41796  
financial assistance to defray the county's share of the cost of 41797  
acquiring or constructing a district detention facility, 41798  
established under section 2152.41 of the Revised Code, to any 41799  
county making application under section 2152.43 of the Revised 41800  
Code if the department finds that the application was made in 41801  
accordance with its rules and the facility or the specifications 41802  
for the facility meet minimum standards established by the 41803  
department. No financial assistance shall be granted for defraying 41804  
the cost of architects' fees or land. 41805

The department shall adopt rules prescribing the minimum 41806  
standards of construction and condition of existing structures, 41807  
established under section 2152.41 of the Revised Code, for which 41808  
financial assistance is granted under this section. The department 41809  
may recommend programs of education and training and the 41810  
qualifications desired for personnel of a district detention 41811  
facility. 41812

The amount of financial assistance granted to any county 41813  
shall not exceed one-half of the county's share of the cost of 41814  
acquisition or construction of the facility. The total of all 41815  
state assistance for any home shall not exceed six thousand five 41816  
hundred dollars for each bed unit provided for in the facility. 41817

A county that receives financial assistance under this 41818  
section shall repay the assistance to the state if the facility 41819  
for which the assistance is granted is used within the ten-year 41820  
period immediately following its establishment for purposes other 41821  
than those contained in section 2152.41 of the Revised Code. A 41822  
board of county commissioners that uses the facility for any other 41823  
purpose within that period shall enter into an agreement with the 41824  
director of budget and management for the discharge of that 41825  
obligation over a period not to exceed ten years. If a board of 41826  
county commissioners fails to enter into an agreement for the 41827  
discharge of that obligation, or fails to comply with the terms of 41828  
such an agreement, the director shall direct the tax commissioner, 41829  
pursuant to section 5747.54 of the Revised Code, to withhold from 41830  
the distribution of the local ~~government~~ communities fund an 41831  
amount sufficient to discharge the obligation. 41832

As used in this section: 41833

(A) "Construction" means the building and initial equipping 41834  
of new structures. 41835

(B) "Acquisition" means "acquisition" as defined in the rules 41836  
of the department, which may include the purchase, remodeling, and 41837  
initial equipping of existing structures. 41838

**Sec. 5139.43.** (A) The department of youth services shall 41839  
operate a felony delinquent care and custody program that shall be 41840  
operated in accordance with the formula developed pursuant to 41841  
section 5139.41 of the Revised Code, subject to the conditions 41842  
specified in this section. 41843

(B)(1) Each juvenile court shall use the moneys disbursed to 41844  
it by the department of youth services pursuant to division (B) of 41845  
section 5139.41 of the Revised Code in accordance with the 41846  
applicable provisions of division (B)(2) of this section and shall 41847  
transmit the moneys to the county treasurer for deposit in 41848  
accordance with this division. The county treasurer shall create 41849  
in the county treasury a fund that shall be known as the felony 41850  
delinquent care and custody fund and shall deposit in that fund 41851  
the moneys disbursed to the juvenile court pursuant to division 41852  
(B) of section 5139.41 of the Revised Code. The county treasurer 41853  
also shall deposit into that fund the state subsidy funds granted 41854  
to the county pursuant to section 5139.34 of the Revised Code. The 41855  
moneys disbursed to the juvenile court pursuant to division (B) of 41856  
section 5139.41 of the Revised Code and deposited pursuant to this 41857  
division in the felony delinquent care and custody fund shall not 41858  
be commingled with any other county funds except state subsidy 41859  
funds granted to the county pursuant to section 5139.34 of the 41860  
Revised Code; shall not be used for any capital construction 41861  
projects; upon an order of the juvenile court and subject to 41862  
appropriation by the board of county commissioners, shall be 41863  
disbursed to the juvenile court for use in accordance with the 41864  
applicable provisions of division (B)(2) of this section; shall 41865  
not revert to the county general fund at the end of any fiscal 41866  
year; and shall carry over in the felony delinquent care and 41867  
custody fund from the end of any fiscal year to the next fiscal 41868  
year. At the end of each fiscal year, beginning June 30, 2008, the 41869  
balance in the felony delinquent care and custody fund in any 41870  
county shall not exceed the total moneys allocated to the county 41871  
pursuant to sections 5139.34 and 5139.41 of the Revised Code 41872  
during the previous fiscal year, unless that county has applied 41873  
for and been granted an exemption by the director of youth 41874  
services. The department shall withhold from future payments to a 41875  
county an amount equal to any moneys in the felony delinquent care 41876

and custody fund of the county that exceed the total moneys 41877  
allocated pursuant to those sections to the county during the 41878  
preceding fiscal year and shall reallocate the withheld amount. 41879  
The department shall adopt rules for the withholding and 41880  
reallocation of moneys disbursed under sections 5139.34 and 41881  
5139.41 of the Revised Code and for the criteria and process for a 41882  
county to obtain an exemption from the withholding requirement. 41883  
The moneys disbursed to the juvenile court pursuant to division 41884  
(B) of section 5139.41 of the Revised Code and deposited pursuant 41885  
to this division in the felony delinquent care and custody fund 41886  
shall be in addition to, and shall not be used to reduce, any 41887  
usual annual increase in county funding that the juvenile court is 41888  
eligible to receive or the current level of county funding of the 41889  
juvenile court and of any programs or services for delinquent 41890  
children, unruly children, or juvenile traffic offenders. 41891

(2)(a) A county and the juvenile court that serves the county 41892  
shall use the moneys in its felony delinquent care and custody 41893  
fund in accordance with rules that the department of youth 41894  
services adopts pursuant to division (D) of section 5139.04 of the 41895  
Revised Code and as follows: 41896

(i) The moneys in the fund that represent state subsidy funds 41897  
granted to the county pursuant to section 5139.34 of the Revised 41898  
Code shall be used to aid in the support of prevention, early 41899  
intervention, diversion, treatment, and rehabilitation programs 41900  
that are provided for alleged or adjudicated unruly children or 41901  
delinquent children or for children who are at risk of becoming 41902  
unruly children or delinquent children. The county shall not use 41903  
for capital improvements more than fifteen per cent of the moneys 41904  
in the fund that represent the applicable annual grant of those 41905  
state subsidy funds. 41906

(ii) The moneys in the fund that were disbursed to the 41907  
juvenile court pursuant to division (B) of section 5139.41 of the 41908

Revised Code and deposited pursuant to division (B)(1) of this 41909  
section in the fund shall be used to provide programs and services 41910  
for the training, treatment, or rehabilitation of felony 41911  
delinquents that are alternatives to their commitment to the 41912  
department, including, but not limited to, community residential 41913  
programs, day treatment centers, services within the home, and 41914  
electronic monitoring, and shall be used in connection with 41915  
training, treatment, rehabilitation, early intervention, or other 41916  
programs or services for any delinquent child, unruly child, or 41917  
juvenile traffic offender who is under the jurisdiction of the 41918  
juvenile court. 41919

The fund also may be used for prevention, early intervention, 41920  
diversion, treatment, and rehabilitation programs that are 41921  
provided for alleged or adjudicated unruly children, delinquent 41922  
children, or juvenile traffic offenders or for children who are at 41923  
risk of becoming unruly children, delinquent children, or juvenile 41924  
traffic offenders. Consistent with division (B)(1) of this 41925  
section, a county and the juvenile court of a county shall not use 41926  
any of those moneys for capital construction projects. 41927

(iii) The county and the juvenile court that serves the 41928  
county may not use moneys in the fund for the provision of care 41929  
and services for children, including, but not limited to, care and 41930  
services in a detention facility, in another facility, or in 41931  
out-of-home placement, unless the minimum standards that apply to 41932  
the care and services and that the department prescribes in rules 41933  
adopted pursuant to division (D) of section 5139.04 of the Revised 41934  
Code have been satisfied. 41935

(b) Each juvenile court shall comply with division (B)(3)(d) 41936  
of this section as implemented by the department. 41937

(3) In accordance with rules adopted by the department 41938  
pursuant to division (D) of section 5139.04 of the Revised Code, 41939  
each juvenile court and the county served by that juvenile court 41940

shall do all of the following that apply: 41941

(a) The juvenile court shall prepare an annual grant 41942  
agreement and application for funding that satisfies the 41943  
requirements of this section and section 5139.34 of the Revised 41944  
Code and that pertains to the use, upon an order of the juvenile 41945  
court and subject to appropriation by the board of county 41946  
commissioners, of the moneys in its felony delinquent care and 41947  
custody fund for specified programs, care, and services as 41948  
described in division (B)(2)(a) of this section, shall submit that 41949  
agreement and application to the county family and children first 41950  
council, the regional family and children first council, or the 41951  
local intersystem services to children cluster as described in 41952  
sections 121.37 and 121.38 of the Revised Code, whichever is 41953  
applicable, and shall file that agreement and application with the 41954  
department for its approval. The annual grant agreement and 41955  
application for funding shall include a method of ensuring equal 41956  
access for minority youth to the programs, care, and services 41957  
specified in it. 41958

The department may approve an annual grant agreement and 41959  
application for funding only if the juvenile court involved has 41960  
complied with the preparation, submission, and filing requirements 41961  
described in division (B)(3)(a) of this section. If the juvenile 41962  
court complies with those requirements and the department approves 41963  
that agreement and application, the juvenile court and the county 41964  
served by the juvenile court may expend the state subsidy funds 41965  
granted to the county pursuant to section 5139.34 of the Revised 41966  
Code only in accordance with division (B)(2)(a) of this section, 41967  
the rules pertaining to state subsidy funds that the department 41968  
adopts pursuant to division (D) of section 5139.04 of the Revised 41969  
Code, and the approved agreement and application. 41970

(b) By the thirty-first day of August of each year, the 41971  
juvenile court shall file with the department a report that 41972



contains all of the statistical and other information for each 41973  
month of the prior state fiscal year. If the juvenile court fails 41974  
to file the report required by division (B)(3)(b) of this section 41975  
by the thirty-first day of August of any year, the department 41976  
shall not disburse any payment of state subsidy funds to which the 41977  
county otherwise is entitled pursuant to section 5139.34 of the 41978  
Revised Code and shall not disburse pursuant to division (B) of 41979  
section 5139.41 of the Revised Code the applicable allocation 41980  
until the juvenile court fully complies with division (B)(3)(b) of 41981  
this section. 41982

(c) If the department requires the juvenile court to prepare 41983  
monthly statistical reports and to submit the reports on forms 41984  
provided by the department, the juvenile court shall file those 41985  
reports with the department on the forms so provided. If the 41986  
juvenile court fails to prepare and submit those monthly 41987  
statistical reports within the department's timelines, the 41988  
department shall not disburse any payment of state subsidy funds 41989  
to which the county otherwise is entitled pursuant to section 41990  
5139.34 of the Revised Code and shall not disburse pursuant to 41991  
division (B) of section 5139.41 of the Revised Code the applicable 41992  
allocation until the juvenile court fully complies with division 41993  
(B)(3)(c) of this section. If the juvenile court fails to prepare 41994  
and submit those monthly statistical reports within one hundred 41995  
eighty days of the date the department establishes for their 41996  
submission, the department shall not disburse any payment of state 41997  
subsidy funds to which the county otherwise is entitled pursuant 41998  
to section 5139.34 of the Revised Code and shall not disburse 41999  
pursuant to division (B) of section 5139.41 of the Revised Code 42000  
the applicable allocation, and the state subsidy funds and the 42001  
remainder of the applicable allocation shall revert to the 42002  
department. If a juvenile court states in a monthly statistical 42003  
report that the juvenile court adjudicated within a state fiscal 42004  
year five hundred or more children to be delinquent children for 42005

committing acts that would be felonies if committed by adults and 42006  
if the department determines that the data in the report may be 42007  
inaccurate, the juvenile court shall have an independent auditor 42008  
or other qualified entity certify the accuracy of the data on a 42009  
date determined by the department. 42010

(d) If the department requires the juvenile court and the 42011  
county to participate in a fiscal monitoring program or another 42012  
monitoring program that is conducted by the department to ensure 42013  
compliance by the juvenile court and the county with division (B) 42014  
of this section, the juvenile court and the county shall 42015  
participate in the program and fully comply with any guidelines 42016  
for the performance of audits adopted by the department pursuant 42017  
to that program and all requests made by the department pursuant 42018  
to that program for information necessary to reconcile fiscal 42019  
accounting. If an audit that is performed pursuant to a fiscal 42020  
monitoring program or another monitoring program described in this 42021  
division determines that the juvenile court or the county used 42022  
moneys in the county's felony delinquent care and custody fund for 42023  
expenses that are not authorized under division (B) of this 42024  
section, within forty-five days after the department notifies the 42025  
county of the unauthorized expenditures, the county either shall 42026  
repay the amount of the unauthorized expenditures from the county 42027  
general revenue fund to the state's general revenue fund or shall 42028  
file a written appeal with the department. If an appeal is timely 42029  
filed, the director of the department shall render a decision on 42030  
the appeal and shall notify the appellant county or its juvenile 42031  
court of that decision within forty-five days after the date that 42032  
the appeal is filed. If the director denies an appeal, the 42033  
county's fiscal agent shall repay the amount of the unauthorized 42034  
expenditures from the county general revenue fund to the state's 42035  
general revenue fund within thirty days after receiving the 42036  
director's notification of the appeal decision. If the county 42037  
fails to make the repayment within that thirty-day period and if 42038

the unauthorized expenditures pertain to moneys allocated under 42039  
sections 5139.41 to 5139.43 of the Revised Code, the department 42040  
shall deduct the amount of the unauthorized expenditures from the 42041  
next allocation of those moneys to the county in accordance with 42042  
this section or from the allocations that otherwise would be made 42043  
under those sections to the county during the next state fiscal 42044  
year in accordance with this section and shall return that 42045  
deducted amount to the state's general revenue fund. If the county 42046  
fails to make the repayment within that thirty-day period and if 42047  
the unauthorized expenditures pertain to moneys granted pursuant 42048  
to section 5139.34 of the Revised Code, the department shall 42049  
deduct the amount of the unauthorized expenditures from the next 42050  
annual grant to the county pursuant to that section and shall 42051  
return that deducted amount to the state's general revenue fund. 42052

(C) The determination of which county a reduction of the care 42053  
and custody allocation will be charged against for a particular 42054  
youth shall be made as outlined below for all youths who do not 42055  
qualify as public safety beds. The determination of which county a 42056  
reduction of the care and custody allocation will be charged 42057  
against shall be made as follows until each youth is released: 42058

(1) In the event of a commitment, the reduction shall be 42060  
charged against the committing county. 42061

(2) In the event of a recommitment, the reduction shall be 42062  
charged against the original committing county until the 42063  
expiration of the minimum period of institutionalization under the 42064  
original order of commitment or until the date on which the youth 42065  
is admitted to the department of youth services pursuant to the 42066  
order of recommitment, whichever is later. Reductions of the 42067  
allocation shall be charged against the county that recommitted 42068  
the youth after the minimum expiration date of the original 42069  
commitment. 42070

(3) In the event of a revocation of a release on parole, the 42071  
reduction shall be charged against the county that revokes the 42072  
youth's parole. 42073

(D) A juvenile court is not precluded by its allocation 42074  
amount for the care and custody of felony delinquents from 42075  
committing a felony delinquent to the department of youth services 42076  
for care and custody in an institution or a community corrections 42077  
facility when the juvenile court determines that the commitment is 42078  
appropriate. 42079

**Sec. 5302.30.** (A) As used in this section: 42080

(1) "Good faith" means honesty in fact in a transaction 42081  
involving the transfer of residential real property. 42082

(2) "Land installment contract" has the same meaning as in 42083  
section 5313.01 of the Revised Code. 42084

(3) "Political subdivision" and "state" have the same 42085  
meanings as in section 2744.01 of the Revised Code. 42086

(4) "Residential real property" means real property that is 42087  
improved by a building or other structure that has one to four 42088  
dwelling units. 42089

(B)(1) Except as provided in division (B)(2) of this section, 42090  
this section applies to any transfer of residential real property 42091  
that occurs on or after July 1, 1993, by sale, land installment 42092  
contract, lease with option to purchase, exchange, or lease for a 42093  
term of ninety-nine years and renewable forever. For purposes of 42094  
this section, a transfer occurs when the initial contract for 42095  
transfer is executed, regardless of when legal title is 42096  
transferred, and references in this section to transfer offers and 42097  
transfer agreements refer to offers and agreements in respect of 42098  
the initial contract for transfer. 42099

(2) This section does not apply to any transfer of 42100

residential real property that is any of the following:	42101
(a) A transfer pursuant to court order, including, but not limited to, a transfer ordered by a probate court during the administration of a decedent's estate, a transfer pursuant to a writ of execution, a transfer by a trustee in bankruptcy, a transfer as a result of the exercise of the power of eminent domain, and a transfer that results from a decree for specific performance of a contract or other agreement between persons;	42102 42103 42104 42105 42106 42107 42108
(b) A transfer to a mortgagee by a mortgagor by deed in lieu of foreclosure or in satisfaction of the mortgage debt;	42109 42110
(c) A transfer to a beneficiary of a deed of trust by a trustor in default;	42111 42112
(d) A transfer by a foreclosure sale that follows a default in the satisfaction of an obligation secured by a mortgage;	42113 42114
(e) A transfer by a sale under a power of sale following a default in the satisfaction of an obligation that is secured by a deed of trust or another instrument containing a power of sale;	42115 42116 42117
(f) A transfer by a mortgagee, or a beneficiary under a deed of trust, who has acquired the residential real property at a sale conducted pursuant to a power of sale under a mortgage or a deed of trust or who has acquired the residential real property by a deed in lieu of foreclosure;	42118 42119 42120 42121 42122
(g) A transfer by a fiduciary in the course of the administration of a decedent's estate, a guardianship, a conservatorship, or a trust;	42123 42124 42125
(h) A transfer from one co-owner to one or more other co-owners;	42126 42127
(i) A transfer made to the transferor's spouse or to one or more persons in the lineal line of consanguinity of one or more of the transferors;	42128 42129 42130

(j) A transfer between spouses or former spouses as a result 42131  
of a decree of divorce, dissolution of marriage, annulment, or 42132  
legal separation or as a result of a property settlement agreement 42133  
incidental to a decree of divorce, dissolution of marriage, 42134  
annulment, or legal separation; 42135

(k) A transfer to or from the state, a political subdivision 42136  
of the state, or another governmental entity; 42137

(l) A transfer that involves newly constructed residential 42138  
real property that previously has not been inhabited; 42139

(m) A transfer to a transferee who has occupied the property 42140  
as a personal residence for one or more years immediately prior to 42141  
the transfer; 42142

(n) A transfer from a transferor who both has not occupied 42143  
the property as a personal residence within one year immediately 42144  
prior to the transfer and has acquired the property through 42145  
inheritance or devise. 42146

(C) Except as provided in division (B)(2) of this section and 42147  
subject to divisions (E) and (F) of this section, every person who 42148  
intends to transfer any residential real property on or after July 42149  
1, 1993, by sale, land installment contract, lease with option to 42150  
purchase, exchange, or lease for a term of ninety-nine years and 42151  
renewable forever shall complete all applicable items in a 42152  
property disclosure form prescribed under division (D) of this 42153  
section and shall deliver in accordance with division (I) of this 42154  
section a signed and dated copy of the completed form to each 42155  
prospective transferee or prospective transferee's agent as soon 42156  
as is practicable. 42157

(D)~~(1)~~ Prior to July 1, 1993, the director of commerce, by 42158  
rule adopted in accordance with Chapter 119. of the Revised Code, 42159  
shall prescribe the disclosure form to be completed by 42160  
transferors. The form prescribed by the director shall be designed 42161

to permit the transferor to disclose material matters relating to 42162  
the physical condition of the property to be transferred, 42163  
including, but not limited to, the source of water supply to the 42164  
property; the nature of the sewer system serving the property; the 42165  
condition of the structure of the property, including the roof, 42166  
foundation, walls, and floors; the presence of hazardous materials 42167  
or substances, including lead-based paint, asbestos, 42168  
urea-formaldehyde foam insulation, and radon gas; and any material 42169  
defects in the property that are within the actual knowledge of 42170  
the transferor. 42171

The form also shall set forth a statement of the purpose of 42172  
the form, including statements substantially similar to the 42173  
following: that the form constitutes a statement of the conditions 42174  
of the property and of information concerning the property 42175  
actually known by the transferor; that, unless the transferee is 42176  
otherwise advised in writing, the transferor, other than having 42177  
lived at or owning the property, possesses no greater knowledge 42178  
than that which could be obtained by a careful inspection of the 42179  
property by a potential transferee; that the statement is not a 42180  
warranty of any kind by the transferor or by any agent or subagent 42181  
representing the transferor in this transaction; that the 42182  
statement is not a substitute for any inspections; that the 42183  
transferee is encouraged to obtain the transferee's own 42184  
professional inspection; that the representations are made by the 42185  
transferor and are not the representations of the transferor's 42186  
agent or subagent; and that the form and the representations 42187  
contained therein are provided by the transferor exclusively to 42188  
potential transferees in a transfer made by the transferor, and 42189  
are not made to transferees in any subsequent transfers. 42190

The form shall include instructions to the transferor for 42191  
completing the form, space in which the transferor or transferors 42192  
shall sign and date the form, and space in which the transferee or 42193

transferees shall sign and date the form acknowledging receipt of 42194  
a copy of the form and stating that the transferee or transferees 42195  
understand the purpose of the form as stated thereon. 42196

~~(2) Not later than January 1, 2006, the director shall revise 42197  
the disclosure form to include a statement that information on the 42198  
operation and maintenance of the type of sewage treatment system 42199  
serving the property is available from the department of health or 42200  
the board of health of the health district in which the property 42201  
is located. 42202~~

~~As used in this section, "sewage treatment system" has the 42203  
same meaning as in section 3718.01 of the Revised Code. 42204~~

(E)(1) Each disclosure of an item of information that is 42205  
required to be made in the property disclosure form prescribed 42206  
under division (D) of this section in connection with particular 42207  
residential real property and each act that may be performed in 42208  
making any disclosure of an item of information shall be made or 42209  
performed in good faith. 42210

(2) If an item of information is unknown to the transferor of 42211  
residential real property at the time the item is required to be 42212  
disclosed in the property disclosure form and if the approximation 42213  
is not used for the purpose of circumventing or otherwise evading 42214  
divisions (C) and (D) of this section, the transferor may make a 42215  
good faith approximation of the item of information. 42216

(F)(1) A transferor of residential real property is not 42217  
liable in damages in a civil action for injury, death, or loss to 42218  
person or property that allegedly arises from any error in, 42219  
inaccuracy of, or omission of any item of information required to 42220  
be disclosed in the property disclosure form if the error, 42221  
inaccuracy, or omission was not within the transferor's actual 42222  
knowledge. 42223

(2) If any item of information that is disclosed in the 42224



property disclosure form is rendered inaccurate after the delivery 42225  
of the form to the transferee of residential real property or the 42226  
transferee's agent as a result of any act, occurrence, or 42227  
agreement, the subsequent inaccuracy does not cause, and shall not 42228  
be construed as causing, the transferor of the residential real 42229  
property to be in noncompliance with the requirements of divisions 42230  
(C) and (D) of this section. 42231

(G) Any disclosure of an item of information in the property 42232  
disclosure form prescribed under division (D) of this section may 42233  
be amended in writing by the transferor of residential real 42234  
property at any time following the delivery of the form in 42235  
accordance with divisions (C) and (I) of this section. The 42236  
amendment shall be subject to this section. 42237

(H) Except as provided in division (B)(2) of this section, 42238  
every prospective transferee of residential real property who 42239  
receives in accordance with division (C) of this section a signed 42240  
and dated copy of a completed property disclosure form as 42241  
prescribed under division (D) of this section shall acknowledge 42242  
receipt of the form by doing both of the following: 42243

(1) Signing and dating a copy of the form; 42244

(2) Delivering a signed and dated copy of the form to the 42245  
transferor or the transferor's agent or subagent. 42246

(I) The transferor's delivery under division (C) of this 42247  
section of a property disclosure form as prescribed under division 42248  
(D) of this section and the prospective transferee's delivery 42249  
under division (H) of this section of an acknowledgment of receipt 42250  
of that form shall be made by personal delivery to the other party 42251  
or the other party's agent or subagent, by ordinary mail or 42252  
certified mail, return receipt requested, or by facsimile 42253  
transmission. For the purposes of the delivery requirements of 42254  
this section, the delivery of a property disclosure form to a 42255

prospective co-transferee of residential real property or a 42256  
prospective co-transferee's agent shall be considered delivery to 42257  
the other prospective transferees unless otherwise provided by 42258  
contract. 42259

(J) The specification of items of information that must be 42260  
disclosed in the property disclosure form as prescribed under 42261  
division (D)~~(1)~~ of this section does not limit or abridge, and 42262  
shall not be construed as limiting or abridging, any obligation to 42263  
disclose an item of information that is created by any other 42264  
provision of the Revised Code or the common law of this state or 42265  
that may exist in order to preclude fraud, either by 42266  
misrepresentation, concealment, or nondisclosure in a transaction 42267  
involving the transfer of residential real property. The 42268  
disclosure requirements of this section do not bar, and shall not 42269  
be construed as barring, the application of any legal or equitable 42270  
defense that a transferor of residential real property may assert 42271  
in a civil action commenced against the transferor by a 42272  
prospective or actual transferee of that property. 42273

(K)(1) Except as provided in division (K)(2) of this section, 42274  
but subject to divisions (J) and (L) of this section, a transfer 42275  
of residential real property that is subject to this section shall 42276  
not be invalidated because of the failure of the transferor to 42277  
provide to the transferee in accordance with division (C) of this 42278  
section a completed property disclosure form as prescribed under 42279  
division (D) of this section. 42280

(2) Subject to division (K)(3)(c) of this section, if a 42281  
transferee of residential real property that is subject to this 42282  
section receives a property disclosure form or an amendment of 42283  
that form as described in division (G) of this section after the 42284  
transferee has entered into a transfer agreement with respect to 42285  
the property, the transferee, after receipt of the form or 42286  
amendment, may rescind the transfer agreement in a written, 42287

signed, and dated document that is delivered to the transferor or 42288  
the transferor's agent or subagent in accordance with divisions 42289  
(K)(3)(a) and (b) of this section, without incurring any legal 42290  
liability to the transferor because of the rescission, including, 42291  
but not limited to, a civil action for specific performance of the 42292  
transfer agreement. Upon the rescission of the transfer agreement, 42293  
the transferee is entitled to the return of, and the transferor 42294  
shall return, any deposits made by the transferee in connection 42295  
with the proposed transfer of the residential real property. 42296

(3)(a) Subject to division (K)(3)(b) of this section, a 42297  
rescission of a transfer agreement under division (K)(2) of this 42298  
section only may occur if the transferee's written, signed, and 42299  
dated document of rescission is delivered to the transferor or the 42300  
transferor's agent or subagent within three business days 42301  
following the date on which the transferee or the transferee's 42302  
agent receives the property disclosure form prescribed under 42303  
division (D) of this section or the amendment of that form as 42304  
described in division (G) of this section. 42305

(b) A transferee may not rescind a transfer agreement under 42306  
division (K)(2) of this section unless the transferee rescinds the 42307  
transfer agreement by the earlier of the date that is thirty days 42308  
after the date upon which the transferor accepted the transferee's 42309  
transfer offer or the date of the closing of the transfer of the 42310  
residential real property. 42311

(c) A transferee of residential real property may waive the 42312  
right of rescission of a transfer agreement described in division 42313  
(K)(2) of this section. 42314

(d) A rescission of a transfer agreement is not permissible 42315  
under division (K)(2) of this section if a transferee of 42316  
residential real property that is subject to this section receives 42317  
a property disclosure form as prescribed under division (D) of 42318  
this section or an amendment of that form as described in division 42319

(G) of this section prior to the transferee's submission to the 42320  
transferor or the transferor's agent or subagent of a transfer 42321  
offer and the transferee's entry into a transfer agreement with 42322  
respect to the property. 42323

(4) If a transferee of residential real property subject to 42324  
this section does not receive a property disclosure form from the 42325  
transferor after the transferee has submitted to the transferor or 42326  
the transferor's agent or subagent a transfer offer and has 42327  
entered into a transfer agreement with respect to the property, 42328  
the transferee may rescind the transfer agreement in a written, 42329  
signed, and dated document that is delivered to the transferor or 42330  
the transferor's agent or subagent in accordance with division 42331  
(K)(4) of this section without incurring any legal liability to 42332  
the transferor because of the rescission, including, but not 42333  
limited to, a civil action for specific performance of the 42334  
transfer agreement. Upon the rescission of the transfer agreement, 42335  
the transferee is entitled to the return of, and the transferor 42336  
shall return, any deposits made by the transferee in connection 42337  
with the proposed transfer of the residential real property. A 42338  
transferee may not rescind a transfer agreement under division 42339  
(K)(4) of this section unless the transferee rescinds the transfer 42340  
agreement by the earlier of the date that is thirty days after the 42341  
date upon which the transferor accepted the transferee's transfer 42342  
offer or the date of the closing of the transfer of the 42343  
residential real property. 42344

(L) The right of rescission of a transfer agreement described 42345  
in division (K)(2) of this section or the absence of that right 42346  
does not affect, and shall not be construed as affecting, any 42347  
other legal causes of action or other remedies that a transferee 42348  
or prospective transferee of residential real property may possess 42349  
against the transferor of that property. 42350

Sec. 5323.011. Sections 5323.01, 5323.02, 5323.03, 5323.04, and 5323.99 of the Revised Code do not apply in a county unless the board of county commissioners adopts a resolution declaring that the sections apply in the county. The board may not adopt such a resolution unless it has found that the benefit from compliance with the sections will exceed the cost to the county and its people and to persons traveling, working, or doing business in the county. The board may not declare that fewer than all the sections apply in the county.

The board of county commissioners may repeal a resolution that has been adopted under the first paragraph of this section. The board may not adopt such a resolution unless it has found that the cost of continued compliance with the sections exceeds the benefit to the county and its people and to persons traveling, working, or doing business in the county. Upon the repeal, the duties of an owner of residential rental property to comply with and of the county auditor to accept compliance with sections 5323.01, 5323.02, 5323.03, 5323.04, and 5323.99 of the Revised Code are tolled.

An owner of residential rental property in a county is not required to comply with, and the auditor of a county is not required to accept compliance with, sections 5323.01, 5323.02, 5323.03, 5323.04, and 5323.99 of the Revised Code unless the board of county commissioners has adopted a resolution declaring that the sections apply in the county and the resolution continues in effect.

**Sec. 5528.54.** (A) The commissioners of the sinking fund are authorized to issue and sell, as provided in this section and in amounts from time to time authorized by the general assembly, general obligations of this state for the purpose of financing or assisting in the financing of the costs of projects. The full

faith and credit, revenues, and taxing power of the state are and 42382  
shall be pledged to the timely payment of bond service charges on 42383  
outstanding obligations, all in accordance with Section 2m of 42384  
Article VIII, Ohio Constitution, and sections 5528.51 to 5528.53 42385  
of the Revised Code, and so long as such obligations are 42386  
outstanding there shall be levied and collected excises, taxes, 42387  
and other revenues in amounts sufficient to pay the bond service 42388  
charges on such obligations and costs relating to credit 42389  
enhancement facilities. 42390

(B) Not more than two hundred twenty million dollars 42391  
principal amount of obligations, plus the principal amount of 42392  
obligations that in any prior fiscal years could have been, but 42393  
were not issued within that two-hundred-twenty-million-dollar 42394  
fiscal year limit, may be issued in any fiscal year, and not more 42395  
~~that~~ than one billion two hundred million dollars principal amount 42396  
of obligations may be outstanding at any one time, all determined 42397  
as provided in sections 5528.51 to 5528.53 of the Revised Code. 42398

(C) The state may participate in financing projects by 42399  
grants, loans, or contributions to local government entities. 42400

(D) Each issue of obligations shall be authorized by 42401  
resolution of the commissioners. The bond proceedings shall 42402  
provide for the principal amount or maximum principal amount of 42403  
obligations of an issue, and shall provide for or authorize the 42404  
manner for determining the principal maturity or maturities, not 42405  
exceeding the earlier of thirty years from the date of issuance of 42406  
the particular obligations or thirty years from the date the debt 42407  
represented by the particular obligations was originally 42408  
contracted, the interest rate or rates, the date of and the dates 42409  
of payment of interest on the obligations, their denominations, 42410  
and the establishment within or outside the state of a place or 42411  
places of payment of bond service charges. Sections 9.96, 9.98, 42412  
9.981, 9.982, and 9.983 of the Revised Code are applicable to the 42413

obligations. The purpose of the obligations may be stated in the 42414  
bond proceedings as "financing or assisting in the financing of 42415  
highway capital improvement projects as provided in Section 2m of 42416  
Article VIII, Ohio Constitution." 42417

(E) The proceeds of the obligations, except for any portion 42418  
to be deposited into special funds, or into escrow funds for the 42419  
purpose of refunding outstanding obligations, all as may be 42420  
provided in the bond proceedings, shall be deposited into the 42421  
highway capital improvement fund established by section 5528.53 of 42422  
the Revised Code. 42423

(F) The commissioners may appoint or provide for the 42424  
appointment of paying agents, bond registrars, securities 42425  
depositories, and transfer agents, and may retain the services of 42426  
financial advisers and accounting experts, and retain or contract 42427  
for the services of marketing, remarketing, indexing, and 42428  
administrative agents, other consultants, and independent 42429  
contractors, including printing services, as are necessary in the 42430  
judgment of the commissioners to carry out sections 5528.51 to 42431  
5528.53 of the Revised Code. Financing costs are payable, as 42432  
provided in the bond proceedings, from the proceeds of the 42433  
obligations, from special funds, or from other moneys available 42434  
for the purpose. 42435

(G) The bond proceedings, including any trust agreement, may 42436  
contain additional provisions customary or appropriate to the 42437  
financing or to the obligations or to particular obligations 42438  
including, but not limited to: 42439

(1) The redemption of obligations prior to maturity at the 42440  
option of the state or of the holder or upon the occurrence of 42441  
certain conditions at such price or prices and under such terms 42442  
and conditions as are provided in the bond proceedings; 42443

(2) The form of and other terms of the obligations; 42444

(3) The establishment, deposit, investment, and application 42445  
of special funds, and the safeguarding of moneys on hand or on 42446  
deposit, in lieu of otherwise applicable provisions of Chapter 42447  
131. or 135. of the Revised Code, but subject to any special 42448  
provisions of this section with respect to particular funds or 42449  
moneys, and provided that any bank or trust company that acts as a 42450  
depository of any moneys in special funds may furnish such 42451  
indemnifying bonds or may pledge such securities as required by 42452  
the commissioners; 42453

(4) Any or every provision of the bond proceedings binding 42454  
upon the commissioners and such state agency or local government 42455  
entities, officer, board, commission, authority, agency, 42456  
department, or other person or body as may from time to time have 42457  
the authority under law to take such actions as may be necessary 42458  
to perform all or any part of the duty required by such provision; 42459

(5) The maintenance of each pledge, any trust agreement, or 42460  
other instrument composing part of the bond proceedings until the 42461  
state has fully paid or provided for the payment of the bond 42462  
service charges on the obligations or met other stated conditions; 42463

(6) In the event of default in any payments required to be 42464  
made by the bond proceedings, or any other agreement of the 42465  
commissioners made as part of a contract under which the 42466  
obligations were issued or secured, the enforcement of such 42467  
payments or agreements by mandamus, suit in equity, action at law, 42468  
or any combination of the foregoing; 42469

(7) The rights and remedies of the holders of obligations and 42470  
of the trustee under any trust agreement, and provisions for 42471  
protecting and enforcing them, including limitations on rights of 42472  
individual holders of obligations; 42473

(8) The replacement of any obligations that become mutilated 42474  
or are destroyed, lost, or stolen; 42475



(9) Provision for the funding, refunding, or advance	42476
refunding or other provision for payment of obligations that will	42477
then no longer be outstanding for purposes of sections 5528.51 to	42478
5528.56 of the Revised Code or of the bond proceedings;	42479
(10) Any provision that may be made in bond proceedings or a	42480
trust agreement, including provision for amendment of the bond	42481
proceedings;	42482
(11) Any other or additional agreements with the holders of	42483
the obligations relating to any of the foregoing;	42484
(12) Such other provisions as the commissioners determine,	42485
including limitations, conditions, or qualifications relating to	42486
any of the foregoing.	42487
(H) The great seal of the state or a facsimile of that seal	42488
may be affixed to or printed on the obligations. The obligations	42489
requiring signatures by the commissioners shall be signed by or	42490
bear the facsimile signatures of two or more of the commissioners	42491
as provided in the bond proceedings. Any obligations may be signed	42492
by the person who, on the date of execution, is the authorized	42493
signer although on the date of such obligations such person was	42494
not a commissioner. In case the individual whose signature or a	42495
facsimile of whose signature appears on any obligation ceases to	42496
be a commissioner before delivery of the obligation, such	42497
signature or facsimile is nevertheless valid and sufficient for	42498
all purposes as if that individual had remained the member until	42499
such delivery, and in case the seal to be affixed to or printed on	42500
obligations has been changed after the seal has been affixed to or	42501
a facsimile of the seal has been printed on the obligations, that	42502
seal or facsimile seal shall continue to be sufficient as to those	42503
obligations and obligations issued in substitution or exchange	42504
therefor.	42505
(I) The obligations are negotiable instruments and securities	42506

under Chapter 1308. of the Revised Code, subject to the provisions 42507  
of the bond proceedings as to registration. Obligations may be 42508  
issued in coupon or in fully registered form, or both, as the 42509  
commissioners determine. Provision may be made for the 42510  
registration of any obligations with coupons attached as to 42511  
principal alone or as to both principal and interest, their 42512  
exchange for obligations so registered, and for the conversion or 42513  
reconversion into obligations with coupons attached of any 42514  
obligations registered as to both principal and interest, and for 42515  
reasonable charges for such registration, exchange, conversion, 42516  
and reconversion. Pending preparation of definitive obligations, 42517  
the commissioners may issue interim receipts or certificates which 42518  
shall be exchanged for such definitive obligations. 42519

(J) Obligations may be sold at public sale or at private 42520  
sale, and at such price at, above, or below par, as determined by 42521  
the commissioners in the bond proceedings. 42522

(K) In the discretion of the commissioners, obligations may 42523  
be secured additionally by a trust agreement between the state and 42524  
a corporate trustee which may be any trust company or bank having 42525  
~~its principal~~ a place of business within the state. Any trust 42526  
agreement may contain the resolution authorizing the issuance of 42527  
the obligations, any provisions that may be contained in the bond 42528  
proceedings, and other provisions that are customary or 42529  
appropriate in an agreement of the type. 42530

(L) Except to the extent that their rights are restricted by 42531  
the bond proceedings, any holder of obligations, or a trustee 42532  
under the bond proceedings may by any suitable form of legal 42533  
proceedings protect and enforce any rights under the laws of this 42534  
state or granted by the bond proceedings. Such rights include the 42535  
right to compel the performance of all duties of the commissioners 42536  
and the state. Each duty of the commissioners and its employees, 42537  
and of each state agency and local government entity and its 42538

officers, members, or employees, undertaken pursuant to the bond 42539  
proceedings, is hereby established as a duty of the commissioners, 42540  
and of each such agency, local government entity, officer, member, 42541  
or employee having authority to perform such duty, specifically 42542  
enjoined by the law and resulting from an office, trust, or 42543  
station within the meaning of section 2731.01 of the Revised Code. 42544  
The persons who are at the time the commissioners of the sinking 42545  
fund, or its employees, are not liable in their personal 42546  
capacities on any obligations or any agreements of or with the 42547  
commissioners relating to obligations or under the bond 42548  
proceedings. 42549

(M) Obligations are lawful investments for banks, societies 42550  
for savings, savings and loan associations, deposit guarantee 42551  
associations, trust companies, trustees, fiduciaries, insurance 42552  
companies, including domestic for life and domestic not for life, 42553  
trustees or other officers having charge of sinking and bond 42554  
retirement or other special funds of political subdivisions and 42555  
taxing districts of this state, the commissioners of the sinking 42556  
fund, the administrator of workers' compensation, subject to the 42557  
approval of the workers' compensation board and the industrial 42558  
commission, the state teachers retirement system, the public 42559  
employees retirement system, the school employees retirement 42560  
system, and the Ohio police and fire pension fund, notwithstanding 42561  
any other provisions of the Revised Code or rules adopted pursuant 42562  
thereto by any state agency with respect to investments by them, 42563  
and are also acceptable as security for the deposit of public 42564  
moneys. 42565

(N) Unless otherwise provided in any applicable bond 42566  
proceedings, moneys to the credit of or in the special funds 42567  
established by or pursuant to this section may be invested by or 42568  
on behalf of the commissioners only in notes, bonds, or other 42569  
direct obligations of the United States or of any agency or 42570

instrumentality thereof, in obligations of this state or any 42571  
political subdivision of this state, in certificates of deposit of 42572  
any national bank located in this state and any bank, as defined 42573  
in section 1101.01 of the Revised Code, subject to inspection by 42574  
the superintendent of financial institutions, in the Ohio 42575  
subdivision's fund established pursuant to section 135.45 of the 42576  
Revised Code, in no-front-end-load money market mutual funds 42577  
consisting exclusively of direct obligations of the United States 42578  
or of an agency or instrumentality thereof, and in repurchase 42579  
agreements, including those issued by any fiduciary, secured by 42580  
direct obligations of the United States or an agency or 42581  
instrumentality thereof, and in common trust funds established in 42582  
accordance with section 1109.20 of the Revised Code and consisting 42583  
exclusively of direct obligations of the United States or of an 42584  
agency or instrumentality thereof, notwithstanding division (A)(4) 42585  
of that section. The income from investments shall be credited to 42586  
such special funds or otherwise as the commissioners determine in 42587  
the bond proceedings, and the investments may be sold or exchanged 42588  
at such times as the commissioners determine or authorize. 42589

(O) Unless otherwise provided in any applicable bond 42590  
proceedings, moneys to the credit of or in a special fund shall be 42591  
disbursed on the order of the commissioners, provided that no such 42592  
order is required for the payment from the bond service fund or 42593  
other special fund when due of bond service charges or required 42594  
payments under credit enhancement facilities. 42595

(P) The commissioners may covenant in the bond proceedings, 42596  
and any such covenants shall be controlling notwithstanding any 42597  
other provision of law, that the state and the applicable officers 42598  
and agencies of the state, including the general assembly, shall, 42599  
so long as any obligations are outstanding in accordance with 42600  
their terms, maintain statutory authority for and cause to be 42601  
charged and collected taxes, excises, and other receipts of the 42602

state so that the receipts to the bond service fund shall be 42603  
sufficient in amounts to meet bond service charges and for the 42604  
establishment and maintenance of any reserves and other 42605  
requirements, including payment of financing costs, provided for 42606  
in the bond proceedings. 42607

(Q) The obligations, and the transfer of, and the interest, 42608  
interest equivalent, and other income and accreted amounts from, 42609  
including any profit made on the sale, exchange, or other 42610  
disposition of, the obligations shall at all times be free from 42611  
taxation, direct or indirect, within the state. 42612

(R) This section applies only with respect to obligations 42613  
issued and delivered prior to September 30, 2000. 42614

**Sec. 5531.10.** (A) As used in this chapter: 42615

(1) "Bond proceedings" means the resolution, order, trust 42616  
agreement, indenture, lease, lease-purchase agreements, and other 42617  
agreements, amendments and supplements to the foregoing, or any 42618  
one or more or combination thereof, authorizing or providing for 42619  
the terms and conditions applicable to, or providing for the 42620  
security or liquidity of, obligations issued pursuant to this 42621  
section, and the provisions contained in such obligations. 42622

(2) "Bond service charges" means principal, including 42623  
mandatory sinking fund requirements for retirement of obligations, 42624  
and interest, and redemption premium, if any, required to be paid 42625  
by the state on obligations. 42626

(3) "Bond service fund" means the applicable fund and 42627  
accounts therein created for and pledged to the payment of bond 42628  
service charges, which may be, or may be part of, the state 42629  
infrastructure bank revenue bond service fund created by division 42630  
(R) of this section including all moneys and investments, and 42631  
earnings from investments, credited and to be credited thereto. 42632

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

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

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

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

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

(9) "District obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued to finance a qualified project by a transportation improvement district created pursuant to section 5540.02 of the Revised Code, of which the principal, including mandatory sinking fund requirements for retirement of such obligations, and interest and redemption premium, if any, are payable by the department of transportation.

(B) The issuing authority, after giving written notice to the director of budget and management and upon the certification by the director of transportation to the issuing authority of the amount of moneys or additional moneys needed either for state infrastructure projects or to provide financial assistance for any of the purposes for which the state infrastructure bank may be used under section 5531.09 of the Revised Code, or needed for capitalized interest, funding reserves, and paying costs and expenses incurred in connection with the issuance, carrying, securing, paying, redeeming, or retirement of the obligations or any obligations refunded thereby, including payment of costs and expenses relating to letters of credit, lines of credit, insurance, put agreements, standby purchase agreements, indexing, marketing, remarketing and administrative arrangements, interest swap or hedging agreements, and any other credit enhancement, liquidity, remarketing, renewal, or refunding arrangements, all of which are authorized by this section, shall issue obligations of the state under this section in the required amount. The proceeds of such obligations, except for the portion to be deposited in special funds, including reserve funds, as may be provided in the

bond proceedings, shall as provided in the bond proceedings be 42697  
credited to the infrastructure bank obligations fund of the state 42698  
infrastructure bank created by section 5531.09 of the Revised Code 42699  
and disbursed as provided in the bond proceedings for such 42700  
obligations. The issuing authority may appoint trustees, paying 42701  
agents, transfer agents, and authenticating agents, and may retain 42702  
the services of financial advisors, accounting experts, and 42703  
attorneys, and retain or contract for the services of marketing, 42704  
remarketing, indexing, and administrative agents, other 42705  
consultants, and independent contractors, including printing 42706  
services, as are necessary in the issuing authority's judgment to 42707  
carry out this section. The costs of such services are payable 42708  
from funds of the state infrastructure bank. 42709

(C) The holders or owners of such obligations shall have no 42710  
right to have moneys raised by taxation by the state of Ohio 42711  
obligated or pledged, and moneys so raised shall not be obligated 42712  
or pledged, for the payment of bond service charges. The right of 42713  
such holders and owners to the payment of bond service charges is 42714  
limited to all or that portion of the pledged receipts and those 42715  
special funds pledged thereto pursuant to the bond proceedings for 42716  
such obligations in accordance with this section, and each such 42717  
obligation shall bear on its face a statement to that effect. 42718  
Moneys received as repayment of loans made by the state 42719  
infrastructure bank pursuant to section 5531.09 of the Revised 42720  
Code shall not be considered moneys raised by taxation by the 42721  
state of Ohio regardless of the source of the moneys. 42722

(D) Obligations shall be authorized by order of the issuing 42723  
authority and the bond proceedings shall provide for the purpose 42724  
thereof and the principal amount or amounts, and shall provide for 42725  
or authorize the manner or agency for determining the principal 42726  
maturity or maturities, not exceeding twenty-five years from the 42727  
date of issuance, the interest rate or rates or the maximum 42728



interest rate, the date of the obligations and the dates of 42729  
payment of interest thereon, their denomination, and the 42730  
establishment within or without the state of a place or places of 42731  
payment of bond service charges. Sections 9.98 to 9.983 of the 42732  
Revised Code are applicable to obligations issued under this 42733  
section. The purpose of such obligations may be stated in the bond 42734  
proceedings in terms describing the general purpose or purposes to 42735  
be served. The bond proceedings also shall provide, subject to the 42736  
provisions of any other applicable bond proceedings, for the 42737  
pledge of all, or such part as the issuing authority may 42738  
determine, of the pledged receipts and the applicable special fund 42739  
or funds to the payment of bond service charges, which pledges may 42740  
be made either prior or subordinate to other expenses, claims, or 42741  
payments, and may be made to secure the obligations on a parity 42742  
with obligations theretofore or thereafter issued, if and to the 42743  
extent provided in the bond proceedings. The pledged receipts and 42744  
special funds so pledged and thereafter received by the state 42745  
immediately are subject to the lien of such pledge without any 42746  
physical delivery thereof or further act, and the lien of any such 42747  
pledges is valid and binding against all parties having claims of 42748  
any kind against the state or any governmental agency of the 42749  
state, irrespective of whether such parties have notice thereof, 42750  
and shall create a perfected security interest for all purposes of 42751  
Chapter 1309. of the Revised Code, without the necessity for 42752  
separation or delivery of funds or for the filing or recording of 42753  
the bond proceedings by which such pledge is created or any 42754  
certificate, statement, or other document with respect thereto; 42755  
and the pledge of such pledged receipts and special funds is 42756  
effective and the money therefrom and thereof may be applied to 42757  
the purposes for which pledged without necessity for any act of 42758  
appropriation. Every pledge, and every covenant and agreement made 42759  
with respect thereto, made in the bond proceedings may therein be 42760  
extended to the benefit of the owners and holders of obligations 42761

authorized by this section, and to any trustee therefor, for the 42762  
further security of the payment of the bond service charges. 42763

42764

(E) The bond proceedings may contain additional provisions as 42765  
to: 42766

(1) The redemption of obligations prior to maturity at the 42767  
option of the issuing authority at such price or prices and under 42768  
such terms and conditions as are provided in the bond proceedings; 42769

(2) Other terms of the obligations; 42770

(3) Limitations on the issuance of additional obligations; 42771

(4) The terms of any trust agreement or indenture securing 42772  
the obligations or under which the same may be issued; 42773

(5) The deposit, investment, and application of special 42774  
funds, and the safeguarding of moneys on hand or on deposit, 42775  
without regard to Chapter 131. or 135. of the Revised Code, but 42776  
subject to any special provisions of this section with respect to 42777  
particular funds or moneys, provided that any bank or trust 42778  
company which acts as depository of any moneys in the special 42779  
funds may furnish such indemnifying bonds or may pledge such 42780  
securities as required by the issuing authority; 42781

(6) Any or every provision of the bond proceedings being 42782  
binding upon such officer, board, commission, authority, agency, 42783  
department, or other person or body as may from time to time have 42784  
the authority under law to take such actions as may be necessary 42785  
to perform all or any part of the duty required by such provision; 42786

(7) Any provision that may be made in a trust agreement or 42787  
indenture; 42788

(8) Any other or additional agreements with the holders of 42789  
the obligations, or the trustee therefor, relating to the 42790  
obligations or the security therefor, including the assignment of 42791

mortgages or other security relating to financial assistance for 42792  
qualified projects under section 5531.09 of the Revised Code. 42793

(F) The obligations may have the great seal of the state or a 42794  
facsimile thereof affixed thereto or printed thereon. The 42795  
obligations and any coupons pertaining to obligations shall be 42796  
signed or bear the facsimile signature of the issuing authority. 42797  
Any obligations or coupons may be executed by the person who, on 42798  
the date of execution, is the proper issuing authority although on 42799  
the date of such bonds or coupons such person was not the issuing 42800  
authority. In case the issuing authority whose signature or a 42801  
facsimile of whose signature appears on any such obligation or 42802  
coupon ceases to be the issuing authority before delivery thereof, 42803  
such signature or facsimile nevertheless is valid and sufficient 42804  
for all purposes as if the former issuing authority had remained 42805  
the issuing authority until such delivery; and in case the seal to 42806  
be affixed to obligations has been changed after a facsimile of 42807  
the seal has been imprinted on such obligations, such facsimile 42808  
seal shall continue to be sufficient as to such obligations and 42809  
obligations issued in substitution or exchange therefor. 42810

(G) All obligations are negotiable instruments and securities 42811  
under Chapter 1308. of the Revised Code, subject to the provisions 42812  
of the bond proceedings as to registration. The obligations may be 42813  
issued in coupon or in registered form, or both, as the issuing 42814  
authority determines. Provision may be made for the registration 42815  
of any obligations with coupons attached thereto as to principal 42816  
alone or as to both principal and interest, their exchange for 42817  
obligations so registered, and for the conversion or reconversion 42818  
into obligations with coupons attached thereto of any obligations 42819  
registered as to both principal and interest, and for reasonable 42820  
charges for such registration, exchange, conversion, and 42821  
reconversion. 42822

(H) Obligations may be sold at public sale or at private 42823

sale, as determined in the bond proceedings. 42824

(I) Pending preparation of definitive obligations, the 42825  
issuing authority may issue interim receipts or certificates which 42826  
shall be exchanged for such definitive obligations. 42827

(J) In the discretion of the issuing authority, obligations 42828  
may be secured additionally by a trust agreement or indenture 42829  
between the issuing authority and a corporate trustee which may be 42830  
any trust company or bank having ~~its principal~~ a place of business 42831  
within the state. Any such agreement or indenture may contain the 42832  
order authorizing the issuance of the obligations, any provisions 42833  
that may be contained in any bond proceedings, and other 42834  
provisions which are customary or appropriate in an agreement or 42835  
indenture of such type, including, but not limited to: 42836

(1) Maintenance of each pledge, trust agreement, indenture, 42837  
or other instrument comprising part of the bond proceedings until 42838  
the state has fully paid the bond service charges on the 42839  
obligations secured thereby, or provision therefor has been made; 42840

(2) In the event of default in any payments required to be 42841  
made by the bond proceedings, or any other agreement of the 42842  
issuing authority made as a part of the contract under which the 42843  
obligations were issued, enforcement of such payments or agreement 42844  
by mandamus, the appointment of a receiver, suit in equity, action 42845  
at law, or any combination of the foregoing; 42846

(3) The rights and remedies of the holders of obligations and 42847  
of the trustee, and provisions for protecting and enforcing them, 42848  
including limitations on the rights of individual holders of 42849  
obligations; 42850

(4) The replacement of any obligations that become mutilated 42851  
or are destroyed, lost, or stolen; 42852

(5) Such other provisions as the trustee and the issuing 42853  
authority agree upon, including limitations, conditions, or 42854

qualifications relating to any of the foregoing. 42855

(K) Any holder of obligations or a trustee under the bond 42856  
proceedings, except to the extent that the holder's or trustee's 42857  
rights are restricted by the bond proceedings, may by any suitable 42858  
form of legal proceedings, protect and enforce any rights under 42859  
the laws of this state or granted by such bond proceedings. Such 42860  
rights include the right to compel the performance of all duties 42861  
of the issuing authority and the director of transportation 42862  
required by the bond proceedings or sections 5531.09 and 5531.10 42863  
of the Revised Code; to enjoin unlawful activities; and in the 42864  
event of default with respect to the payment of any bond service 42865  
charges on any obligations or in the performance of any covenant 42866  
or agreement on the part of the issuing authority or the director 42867  
of transportation in the bond proceedings, to apply to a court 42868  
having jurisdiction of the cause to appoint a receiver to receive 42869  
and administer the pledged receipts and special funds, other than 42870  
those in the custody of the treasurer of state, which are pledged 42871  
to the payment of the bond service charges on such obligations or 42872  
which are the subject of the covenant or agreement, with full 42873  
power to pay, and to provide for payment of bond service charges 42874  
on, such obligations, and with such powers, subject to the 42875  
direction of the court, as are accorded receivers in general 42876  
equity cases, excluding any power to pledge additional revenues or 42877  
receipts or other income or moneys of the state or local 42878  
governmental entities, or agencies thereof, to the payment of such 42879  
principal and interest and excluding the power to take possession 42880  
of, mortgage, or cause the sale or otherwise dispose of any 42881  
project facilities. 42882

Each duty of the issuing authority and the issuing 42883  
authority's officers and employees, and of each state or local 42884  
governmental agency and its officers, members, or employees, 42885  
undertaken pursuant to the bond proceedings or any loan, loan 42886

guarantee, lease, lease-purchase agreement, or other agreement 42887  
made under authority of section 5531.09 of the Revised Code, and 42888  
in every agreement by or with the issuing authority, is hereby 42889  
established as a duty of the issuing authority, and of each such 42890  
officer, member, or employee having authority to perform such 42891  
duty, specifically enjoined by the law resulting from an office, 42892  
trust, or station within the meaning of section 2731.01 of the 42893  
Revised Code. 42894

The person who is at the time the issuing authority, or the 42895  
issuing authority's officers or employees, are not liable in their 42896  
personal capacities on any obligations issued by the issuing 42897  
authority or any agreements of or with the issuing authority. 42898

(L) The issuing authority may authorize and issue obligations 42899  
for the refunding, including funding and retirement, and advance 42900  
refunding with or without payment or redemption prior to maturity, 42901  
of any obligations previously issued by the issuing authority or 42902  
district obligations. Such refunding obligations may be issued in 42903  
amounts sufficient for payment of the principal amount of the 42904  
prior obligations or district obligations, any redemption premiums 42905  
thereon, principal maturities of any such obligations or district 42906  
obligations maturing prior to the redemption of the remaining 42907  
obligations or district obligations on a parity therewith, 42908  
interest accrued or to accrue to the maturity dates or dates of 42909  
redemption of such obligations or district obligations, and any 42910  
expenses incurred or to be incurred in connection with such 42911  
issuance and such refunding, funding, and retirement. Subject to 42912  
the bond proceedings therefor, the portion of proceeds of the sale 42913  
of refunding obligations issued under this division to be applied 42914  
to bond service charges on the prior obligations or district 42915  
obligations shall be credited to an appropriate account held by 42916  
the trustee for such prior or new obligations or to the 42917  
appropriate account in the bond service fund for such obligations 42918

or district obligations. Obligations authorized under this 42919  
division shall be deemed to be issued for those purposes for which 42920  
such prior obligations or district obligations were issued and are 42921  
subject to the provisions of this section pertaining to other 42922  
obligations, except as otherwise provided in this section. The 42923  
last maturity of obligations authorized under this division shall 42924  
not be later than twenty-five years from the date of issuance of 42925  
the original securities issued for the original purpose. 42926

(M) The authority to issue obligations under this section 42927  
includes authority to issue obligations in the form of bond 42928  
anticipation notes and to renew the same from time to time by the 42929  
issuance of new notes. The holders of such notes or interest 42930  
coupons pertaining thereto shall have a right to be paid solely 42931  
from the pledged receipts and special funds that may be pledged to 42932  
the payment of the bonds anticipated, or from the proceeds of such 42933  
bonds or renewal notes, or both, as the issuing authority provides 42934  
in the order authorizing such notes. Such notes may be 42935  
additionally secured by covenants of the issuing authority to the 42936  
effect that the issuing authority and the state will do such or 42937  
all things necessary for the issuance of such bonds or renewal 42938  
notes in the appropriate amount, and apply the proceeds thereof to 42939  
the extent necessary, to make full payment of the principal of and 42940  
interest on such notes at the time or times contemplated, as 42941  
provided in such order. For such purpose, the issuing authority 42942  
may issue bonds or renewal notes in such principal amount and upon 42943  
such terms as may be necessary to provide funds to pay when 42944  
required the principal of and interest on such notes, 42945  
notwithstanding any limitations prescribed by or for purposes of 42946  
this section. Subject to this division, all provisions for and 42947  
references to obligations in this section are applicable to notes 42948  
authorized under this division. 42949

The issuing authority in the bond proceedings authorizing the 42950

issuance of bond anticipation notes shall set forth for such bonds 42951  
an estimated interest rate and a schedule of principal payments 42952  
for such bonds and the annual maturity dates thereof. 42953

(N) Obligations issued under this section are lawful 42954  
investments for banks, societies for savings, savings and loan 42955  
associations, deposit guarantee associations, trust companies, 42956  
trustees, fiduciaries, insurance companies, including domestic for 42957  
life and domestic not for life, trustees or other officers having 42958  
charge of sinking and bond retirement or other special funds of 42959  
political subdivisions and taxing districts of this state, the 42960  
commissioners of the sinking fund of the state, the administrator 42961  
of workers' compensation, the state teachers retirement system, 42962  
the public employees retirement system, the school employees 42963  
retirement system, and the Ohio police and fire pension fund, 42964  
notwithstanding any other provisions of the Revised Code or rules 42965  
adopted pursuant thereto by any agency of the state with respect 42966  
to investments by them, and are also acceptable as security for 42967  
the deposit of public moneys. 42968

(O) Unless otherwise provided in any applicable bond 42969  
proceedings, moneys to the credit of or in the special funds 42970  
established by or pursuant to this section may be invested by or 42971  
on behalf of the issuing authority only in notes, bonds, or other 42972  
obligations of the United States, or of any agency or 42973  
instrumentality of the United States, obligations guaranteed as to 42974  
principal and interest by the United States, obligations of this 42975  
state or any political subdivision of this state, and certificates 42976  
of deposit of any national bank located in this state and any 42977  
bank, as defined in section 1101.01 of the Revised Code, subject 42978  
to inspection by the superintendent of financial institutions. If 42979  
the law or the instrument creating a trust pursuant to division 42980  
(J) of this section expressly permits investment in direct 42981  
obligations of the United States or an agency of the United 42982



States, unless expressly prohibited by the instrument, such moneys 42983  
also may be invested in no-front-end-load money market mutual 42984  
funds consisting exclusively of obligations of the United States 42985  
or an agency of the United States and in repurchase agreements, 42986  
including those issued by the fiduciary itself, secured by 42987  
obligations of the United States or an agency of the United 42988  
States; and in collective investment funds as defined in division 42989  
(A) of section 1111.01 of the Revised Code and consisting 42990  
exclusively of any such securities. The income from such 42991  
investments shall be credited to such funds as the issuing 42992  
authority determines, and such investments may be sold at such 42993  
times as the issuing authority determines or authorizes. 42994

(P) Provision may be made in the applicable bond proceedings 42995  
for the establishment of separate accounts in the bond service 42996  
fund and for the application of such accounts only to the 42997  
specified bond service charges on obligations pertinent to such 42998  
accounts and bond service fund and for other accounts therein 42999  
within the general purposes of such fund. Unless otherwise 43000  
provided in any applicable bond proceedings, moneys to the credit 43001  
of or in the several special funds established pursuant to this 43002  
section shall be disbursed on the order of the treasurer of state, 43003  
provided that no such order is required for the payment from the 43004  
bond service fund when due of bond service charges on obligations. 43005

(Q)(1) The issuing authority may pledge all, or such portion 43006  
as the issuing authority determines, of the pledged receipts to 43007  
the payment of bond service charges on obligations issued under 43008  
this section, and for the establishment and maintenance of any 43009  
reserves, as provided in the bond proceedings, and make other 43010  
provisions therein with respect to pledged receipts as authorized 43011  
by this chapter, which provisions are controlling notwithstanding 43012  
any other provisions of law pertaining thereto. 43013

(2) An action taken under division (Q)(2) of this section 43014

does not limit the generality of division (Q)(1) of this section, 43015  
and is subject to division (C) of this section and, if and to the 43016  
extent otherwise applicable, Section 13 of Article VIII, Ohio 43017  
Constitution. The bond proceedings may contain a covenant that, in 43018  
the event the pledged receipts primarily pledged and required to 43019  
be used for the payment of bond service charges on obligations 43020  
issued under this section, and for the establishment and 43021  
maintenance of any reserves, as provided in the bond proceedings, 43022  
are insufficient to make any such payment in full when due, or to 43023  
maintain any such reserve, the director of transportation shall so 43024  
notify the governor, and shall determine to what extent, if any, 43025  
the payment may be made or moneys may be restored to the reserves 43026  
from lawfully available moneys previously appropriated for that 43027  
purpose to the department of transportation. The covenant also may 43028  
provide that if the payments are not made or the moneys are not 43029  
immediately and fully restored to the reserves from such moneys, 43030  
the director shall promptly submit to the governor and to the 43031  
director of budget and management a written request for either or 43032  
both of the following: 43033

(a) That the next biennial budget submitted by the governor 43034  
to the general assembly include an amount to be appropriated from 43035  
lawfully available moneys to the department for the purpose of and 43036  
sufficient for the payment in full of bond service charges 43037  
previously due and for the full replenishment of the reserves; 43038

(b) That the general assembly be requested to increase 43039  
appropriations from lawfully available moneys for the department 43040  
in the current biennium sufficient for the purpose of and for the 43041  
payment in full of bond service charges previously due and to come 43042  
due in the biennium and for the full replenishment of the 43043  
reserves. 43044

The director of transportation shall include with such 43045  
requests a recommendation that the payment of the bond service 43046

charges and the replenishment of the reserves be made in the 43047  
interest of maximizing the benefits of the state infrastructure 43048  
bank. Any such covenant shall not obligate or purport to obligate 43049  
the state to pay the bond service charges on such bonds or notes 43050  
or to deposit moneys in a reserve established for such payments 43051  
other than from moneys that may be lawfully available and 43052  
appropriated for that purpose during the then-current biennium. 43053

(R) There is hereby created the state infrastructure bank 43054  
revenue bond service fund, which shall be in the custody of the 43055  
treasurer of state but shall not be a part of the state treasury. 43056  
All moneys received by or on account of the issuing authority or 43057  
state agencies and required by the applicable bond proceedings, 43058  
consistent with this section, to be deposited, transferred, or 43059  
credited to the bond service fund, and all other moneys 43060  
transferred or allocated to or received for the purposes of the 43061  
fund, shall be deposited and credited to such fund and to any 43062  
separate accounts therein, subject to applicable provisions of the 43063  
bond proceedings, but without necessity for any act of 43064  
appropriation. The state infrastructure bank revenue bond service 43065  
fund is a trust fund and is hereby pledged to the payment of bond 43066  
service charges to the extent provided in the applicable bond 43067  
proceedings, and payment thereof from such fund shall be made or 43068  
provided for by the treasurer of state in accordance with such 43069  
bond proceedings without necessity for any act of appropriation. 43070

(S) The obligations issued pursuant to this section, the 43071  
transfer thereof, and the income therefrom, including any profit 43072  
made on the sale thereof, shall at all times be free from taxation 43073  
within this state. 43074

Sec. 5533.91. That part of the road known as state route 43075  
number forty-four, located within Lake county and commencing at 43076  
the intersection of that state route and state route number two 43077

and extending in a northerly direction and ending at headlands 43078  
beach state park, shall be known as the "LCpl Andy Nowacki 43079  
Memorial Highway." 43080

The director of transportation may erect suitable markers 43081  
along the highway indicating its name. 43082

**Sec. 5537.04.** (A) The Ohio turnpike commission may do any of 43083  
the following: 43084

(1) Adopt bylaws for the regulation of its affairs and the 43085  
conduct of its business; 43086

(2) Adopt an official seal, which shall not be the great seal 43087  
of the state and which need not be in compliance with section 5.10 43088  
of the Revised Code; 43089

(3) Maintain a principal office and suboffices at such places 43090  
within the state as it designates; 43091

(4) Sue and be sued in its own name, plead and be impleaded, 43092  
provided any actions against the commission shall be brought in 43093  
the court of common pleas of the county in which the principal 43094  
office of the commission is located, or in the court of common 43095  
pleas of the county in which the cause of action arose if that 43096  
county is located within this state, and all summonses, 43097  
exceptions, and notices of every kind shall be served on the 43098  
commission by leaving a copy thereof at its principal office with 43099  
the secretary-treasurer or executive director of the commission; 43100

(5) Construct, maintain, repair, police, and operate the 43101  
turnpike system, and establish rules for the use of any turnpike 43102  
project; 43103

(6) Issue revenue bonds of the state, payable solely from 43104  
pledged revenues, as provided in this chapter, for the purpose of 43105  
paying any part of the cost of constructing any one or more 43106  
turnpike projects; 43107

(7) Fix, and revise from time to time, and charge and collect	43108
tolls;	43109
(8) Acquire, hold, and dispose of property in the exercise of	43110
its powers and the performance of its duties under this chapter;	43111
(9) Designate the locations and establish, limit, and control	43112
such points of ingress to and egress from each turnpike project as	43113
are necessary or desirable in the judgment of the commission and	43114
of the director of transportation to ensure the proper operation	43115
and maintenance of that project, and prohibit entrance to such a	43116
project from any point not so designated;	43117
(10) Make and enter into all contracts and agreements	43118
necessary or incidental to the performance of its duties and the	43119
execution of its powers under this chapter, <u>including</u>	43120
<u>participation in a multi-jurisdiction electronic toll collection</u>	43121
<u>agreement and collection or remittance of tolls, fees, or other</u>	43122
<u>charges to or from entities or agencies that participate in such</u>	43123
<u>an agreement;</u>	43124
(11) Employ or retain or contract for the services of	43125
consulting engineers, superintendents, managers, and any other	43126
engineers, construction and accounting experts, financial	43127
advisers, trustees, marketing, remarketing, and administrative	43128
agents, attorneys, and other employees, independent contractors,	43129
or agents that are necessary in its judgment and fix their	43130
compensation, provided all such expenses shall be payable solely	43131
from the proceeds of bonds or from revenues of the Ohio turnpike	43132
system;	43133
(12) Receive and accept from any federal agency, subject to	43134
the approval of the governor, and from any other governmental	43135
agency grants for or in aid of the construction, reconstruction,	43136
repair, renovation, maintenance, or operation of any turnpike	43137
project, and receive and accept aid or contributions from any	43138

source or person of money, property, labor, or other things of 43139  
value, to be held, used, and applied only for the purposes for 43140  
which such grants and contributions are made; 43141

(13) Provide coverage for its employees under Chapters 4123. 43142  
and 4141. of the Revised Code; 43143

(14) Fix and revise by rule, from time to time, such permit 43144  
fees, processing fees, or administrative charges for the 43145  
prepayment, deferred payment, or nonpayment of tolls and use of 43146  
electronic tolling equipment or other commission property. 43147

(B) The commission may do all acts necessary or proper to 43148  
carry out the powers expressly granted in this chapter. 43149

**Sec. 5537.16.** (A) The Ohio turnpike commission may adopt such 43150  
bylaws and rules as it considers advisable for the control and 43151  
regulation of traffic on any turnpike project, for the protection 43152  
and preservation of property under its jurisdiction and control, 43153  
~~and~~ for the maintenance and preservation of good order within the 43154  
property under its control, and for the purpose of establishing 43155  
owner or operator liability for failure to comply with toll 43156  
collection rules. The rules of the commission with respect to the 43157  
speed, axle loads, vehicle loads, and vehicle dimensions of 43158  
vehicles on turnpike projects, including the issuance of a special 43159  
permit by the commission to allow the operation on any turnpike 43160  
project of a motor vehicle transporting two or fewer steel coils, 43161  
shall apply notwithstanding sections 4511.21 to 4511.24, 4513.34, 43162  
and Chapter 5577. of the Revised Code. Such bylaws and rules shall 43163  
be published in a newspaper of general circulation in Franklin 43164  
county, and in such other manner as the commission prescribes. 43165  
43166

(B) Such rules shall provide that public police officers 43167  
shall be afforded ready access, while in the performance of their 43168  
official duty, to all property under the jurisdiction of the 43169

commission and without the payment of tolls. 43170

(C) No person shall violate any such bylaws or rules of the 43171  
commission. ~~All~~ 43172

(D)(1) All fines collected for the violation of applicable 43173  
laws of the state and the bylaws and rules of the commission or 43174  
moneys arising from bonds forfeited for such violation shall be 43175  
disposed of in accordance with section 5503.04 of the Revised 43176  
Code. 43177

(2) All fees or charges assessed by the commission against an 43178  
owner or operator of a vehicle as a civil violation for failure to 43179  
comply with toll collection rules shall be revenues of the 43180  
commission. 43181

**Sec. 5537.99.** ~~Whoever~~ (A) Except as provided in division (B) 43182  
of this section, whoever violates division (C) of section 5537.16 43183  
of the Revised Code is guilty of a minor misdemeanor on a first 43184  
offense; on each subsequent offense such person is guilty of a 43185  
misdemeanor of the fourth degree. 43186

(B) Whoever violates division (C) of section 5537.16 of the 43187  
Revised Code when the violation is a civil violation for failure 43188  
to comply with toll collection rules is subject to a fee or charge 43189  
established by the commission by rule. 43190

**Sec. 5705.28.** (A) Except as provided in division (B)(1) or 43191  
(2) of this section or in section 5705.281 of the Revised Code, 43192  
the taxing authority of each subdivision or other taxing unit 43193  
shall adopt a tax budget for the next succeeding fiscal year: 43194

(1) On or before the fifteenth day of January in the case of 43195  
a school district; 43196

(2) On or before the fifteenth day of July in the case of all 43197  
other subdivisions and taxing units. 43198

(B)(1) Before the first day of June in each year, the board 43199  
of trustees of a school library district entitled to participate 43200  
in any appropriation or revenue of a school district or to have a 43201  
tax proposed by the board of education of a school district shall 43202  
file with the board of education of the school district a tax 43203  
budget for the ensuing fiscal year. On or before the fifteenth day 43204  
of July in each year, the board of education of a school district 43205  
to which a school library district tax budget was submitted under 43206  
this division shall adopt such tax budget on behalf of the library 43207  
district, but such budget shall not be part of the school 43208  
district's tax budget. 43209

(2)(a) The taxing authority of a taxing unit that does not 43210  
levy a tax is not required to adopt a tax budget pursuant to 43211  
division (A) of this section. Instead, on or before the fifteenth 43212  
day of July each year, such taxing authority shall adopt an 43213  
operating budget for the taxing unit for the ensuing fiscal year. 43214  
The operating budget shall include an estimate of receipts from 43215  
all sources, a statement of all taxing unit expenses that are 43216  
anticipated to occur, and the amount required for debt charges 43217  
during the fiscal year. The operating budget is not required to be 43218  
filed with the county auditor or the county budget commission. 43219

(b) Except for this section and sections 5705.36, 5705.38, 43220  
5705.40, 5705.41, 5705.43, 5705.44, and 5705.45 of the Revised 43221  
Code, a taxing unit that does not levy a tax is not a taxing unit 43222  
for purposes of Chapter 5705. of the Revised Code. Documents 43223  
prepared in accordance with such sections are not required to be 43224  
filed with the county auditor or county budget commission. 43225

(c) The total appropriations from each fund of a taxing unit 43226  
that does not levy a tax shall not exceed the total estimated 43227  
revenue available for expenditures from the fund, and 43228  
appropriations shall be made from each fund only for the purposes 43229  
for which the fund is established. 43230



(C)(1) To assist in the preparation of the tax budget, the 43231  
head of each department, board, commission, and district authority 43232  
entitled to participate in any appropriation or revenue of a 43233  
subdivision shall file with the taxing authority, or in the case 43234  
of a municipal corporation, with its chief executive officer, 43235  
before the forty-fifth day prior to the date on which the budget 43236  
must be adopted, an estimate of contemplated revenue and 43237  
expenditures for the ensuing fiscal year, in such form as is 43238  
prescribed by the taxing authority of the subdivision or by the 43239  
auditor of state. The taxing authority shall include in its budget 43240  
of expenditures the full amounts requested by district 43241  
authorities, not to exceed the amount authorized by law, if such 43242  
authorities may fix the amount of revenue they are to receive from 43243  
the subdivision. In a municipal corporation in which a special 43244  
levy for a municipal university has been authorized to be levied 43245  
in excess of the ten-mill limitation, or is required by the 43246  
charter of the municipal corporation, the taxing authority shall 43247  
include an amount not less than the estimated yield of such levy, 43248  
if such amount is requested by the board of directors of the 43249  
municipal university. 43250

(2) A county board of mental retardation and developmental 43251  
disabilities may include within its estimate of contemplated 43252  
revenue and expenditures a reserve balance account in the 43253  
community mental retardation and developmental disabilities 43254  
residential services fund. The account shall contain money that is 43255  
not needed to pay for current expenses for residential services 43256  
and supported living but will be needed to pay for expenses for 43257  
such services in the future or may be needed for unanticipated 43258  
emergency expenses. On the request of the county board of mental 43259  
retardation and developmental disabilities, the board of county 43260  
commissioners shall include such an account in its budget of 43261  
expenditures and appropriate money to the account from residential 43262  
service moneys for the county board. 43263

(D) The board of trustees of any public library desiring to participate in the distribution of the county ~~library and local government support~~ libraries fund shall adopt appropriate rules extending the benefits of the library service of such library to all the inhabitants of the county on equal terms, unless such library service is by law available to all such inhabitants, and shall certify a copy of such rules to the taxing authority with its estimate of contemplated revenue and expenditures. Where such rules have been so certified or where the adoption of such rules is not required, the taxing authority shall include in its budget of receipts such amounts as are specified by such board as contemplated revenue from the county ~~library and local government support~~ libraries fund, and in its budget of expenditures the full amounts requested therefrom by such board. No library association, incorporated or unincorporated, is entitled to participate in the proceeds of the county ~~library and local government support~~ libraries fund or other public funds unless such association was organized and operating prior to January 1, 1968.

**Sec. 5705.281.** (A) Notwithstanding section 5705.28 of the Revised Code, the county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the requirement that the taxing authority of a subdivision or other taxing unit adopt a tax budget as provided under section 5705.28 of the Revised Code, but shall require such a taxing authority to provide such information to the commission as may be required by the commission to perform its duties under this chapter, including dividing the rates of each of the subdivision's or taxing unit's tax levies as provided under section 5705.04 of the Revised Code.

(B)(1) Notwithstanding divisions (B)(1) and (D) of section 5705.28 of the Revised Code, in any county in which a single library receives all of the county ~~library and local government~~

~~support libraries~~ fund or receives all of that portion of the fund 43296  
that is distributed to libraries, the county budget commission, by 43297  
an affirmative vote of a majority of the commission, including an 43298  
affirmative vote by the county auditor, may waive any or all of 43299  
the following requirements: 43300

(a) The requirement that the board of trustees of a school 43301  
library district entitled to participate in any appropriation or 43302  
revenue of a school district or to have a tax proposed by the 43303  
board of education of a school district file with the board of 43304  
education of the school district a tax budget, and the requirement 43305  
that the board of education adopt the tax budget on behalf of the 43306  
library district, as provided in division (B)(1) of section 43307  
5705.28 of the Revised Code; 43308

(b) The requirement that the board of trustees of a public 43309  
library desiring to participate in the distribution of the county 43310  
~~library and local government support libraries~~ fund certify to the 43311  
taxing authority its estimate of contemplated revenue and 43312  
expenditures, and the requirement that the taxing authority 43313  
include in its budget of receipts and budget of expenditures the 43314  
full amounts specified or requested by the board of trustees, as 43315  
provided in division (D) of section 5705.28 of the Revised Code. 43316

(2) If a county budget commission waives the requirements 43317  
described in division (B)(1)(a) or (b) of this section, the 43318  
commission shall require the board of trustees of the school 43319  
library district or the board of trustees of the public library 43320  
desiring to participate in the distribution of the county ~~library~~ 43321  
~~and local government support libraries~~ fund to provide to the 43322  
commission any information the commission may require from the 43323  
board in order for the commission to perform its duties under this 43324  
chapter. 43325

**Sec. 5705.29.** This section does not apply to a subdivision or 43326

taxing unit for which the county budget commission has waived the 43327  
requirement to adopt a tax budget pursuant to section 5705.281 of 43328  
the Revised Code. The tax budget shall present the following 43329  
information in such detail as is prescribed by the auditor of 43330  
state: 43331

(A)(1) A statement of the necessary current operating 43332  
expenses for the ensuing fiscal year for each department and 43333  
division of the subdivision, classified as to personal services 43334  
and other expenses, and the fund from which such expenditures are 43335  
to be made. Except in the case of a school district, this estimate 43336  
may include a contingent expense not designated for any particular 43337  
purpose, and not to exceed three per cent of the total amount of 43338  
appropriations for current expenses. In the case of a school 43339  
district, this estimate may include a contingent expense not 43340  
designated for any particular purpose and not to exceed thirteen 43341  
per cent of the total amount of appropriations for current 43342  
expenses. 43343

(2) A statement of the expenditures for the ensuing fiscal 43344  
year necessary for permanent improvements, exclusive of any 43345  
expense to be paid from bond issues, classified as to the 43346  
improvements contemplated by the subdivision and the fund from 43347  
which such expenditures are to be made; 43348

(3) The amounts required for the payment of final judgments; 43349

(4) A statement of expenditures for the ensuing fiscal year 43350  
necessary for any purpose for which a special levy is authorized, 43351  
and the fund from which such expenditures are to be made; 43352

(5) Comparative statements, so far as possible, in parallel 43353  
columns of corresponding items of expenditures for the current 43354  
fiscal year and the two preceding fiscal years. 43355

(B)(1) An estimate of receipts from other sources than the 43356  
general property tax during the ensuing fiscal year, which shall 43357

include an estimate of unencumbered balances at the end of the 43358  
current fiscal year, and the funds to which such estimated 43359  
receipts are credited; 43360

(2) The amount each fund requires from the general property 43361  
tax, which shall be the difference between the contemplated 43362  
expenditure from the fund and the estimated receipts, as provided 43363  
in this section. The section of the Revised Code under which the 43364  
tax is authorized shall be set forth. 43365

(3) Comparative statements, so far as possible, in parallel 43366  
columns of taxes and other revenues for the current fiscal year 43367  
and the two preceding fiscal years. 43368

(C)(1) The amount required for debt charges; 43369

(2) The estimated receipts from sources other than the tax 43370  
levy for payment of such debt charges, including the proceeds of 43371  
refunding bonds to be issued to refund bonds maturing in the next 43372  
succeeding fiscal year; 43373

(3) The net amount for which a tax levy shall be made, 43374  
classified as to bonds authorized and issued prior to January 1, 43375  
1922, and those authorized and issued subsequent to such date, and 43376  
as to what portion of the levy will be within and what in excess 43377  
of the ten-mill limitation. 43378

(D) An estimate of amounts from taxes authorized to be levied 43379  
in excess of the ten-mill limitation on the tax rate, and the fund 43380  
to which such amounts will be credited, together with the sections 43381  
of the Revised Code under which each such tax is exempted from all 43382  
limitations on the tax rate. 43383

(E)(1) A board of education may include in its budget for the 43384  
fiscal year in which a levy proposed under section 5705.194, 43385  
5705.21, or 5705.213, or the original levy under section 5705.212 43386  
of the Revised Code is first extended on the tax list and 43387  
duplicate an estimate of expenditures to be known as a voluntary 43388

contingency reserve balance, which shall not be greater than 43389  
twenty-five per cent of the total amount of the levy estimated to 43390  
be available for appropriation in such year. 43391

(2) A board of education may include in its budget for the 43392  
fiscal year following the year in which a levy proposed under 43393  
section 5705.194, 5705.21, or 5705.213, or the original levy under 43394  
section 5705.212 of the Revised Code is first extended on the tax 43395  
list and duplicate an estimate of expenditures to be known as a 43396  
voluntary contingency reserve balance, which shall not be greater 43397  
than twenty per cent of the amount of the levy estimated to be 43398  
available for appropriation in such year. 43399

(3) Except as provided in division (E)(4) of this section, 43400  
the full amount of any reserve balance the board includes in its 43401  
budget shall be retained by the county auditor and county 43402  
treasurer out of the first semiannual settlement of taxes until 43403  
the beginning of the next succeeding fiscal year, and thereupon, 43404  
with the depository interest apportioned thereto, it shall be 43405  
turned over to the board of education, to be used for the purposes 43406  
of such fiscal year. 43407

(4) A board of education, by a two-thirds vote of all members 43408  
of the board, may appropriate any amount withheld as a voluntary 43409  
contingency reserve balance during the fiscal year for any lawful 43410  
purpose, provided that prior to such appropriation the board of 43411  
education has authorized the expenditure of all amounts 43412  
appropriated for contingencies under section 5705.40 of the 43413  
Revised Code. Upon request by the board of education, the county 43414  
auditor shall draw a warrant on the district's account in the 43415  
county treasury payable to the district in the amount requested. 43416

(F)(1) A board of education may include a spending reserve in 43417  
its budget for fiscal years ending on or before June 30, 2002. The 43418  
spending reserve shall consist of an estimate of expenditures not 43419  
to exceed the district's spending reserve balance. A district's 43420

spending reserve balance is the amount by which the designated 43421  
percentage of the district's estimated personal property taxes to 43422  
be settled during the calendar year in which the fiscal year ends 43423  
exceeds the estimated amount of personal property taxes to be so 43424  
settled and received by the district during that fiscal year. 43425  
Moneys from a spending reserve shall be appropriated in accordance 43426  
with section 133.301 of the Revised Code. 43427

(2) For the purposes of computing a school district's 43428  
spending reserve balance for a fiscal year, the designated 43429  
percentage shall be as follows: 43430

Fiscal year ending in:	Designated percentage	
1998	50%	43431
1999	40%	43432
2000	30%	43433
2001	20%	43434
2002	10%	43435

(G) Except as otherwise provided in this division, the county 43437  
budget commission shall not reduce the taxing authority of a 43438  
subdivision as a result of the creation of a reserve balance 43439  
account. Except as otherwise provided in this division, the county 43440  
budget commission shall not consider the amount in a reserve 43441  
balance account of a township, county, or municipal corporation as 43442  
an unencumbered balance or as revenue for the purposes of division 43443  
(E)(3) or (4) of section 5747.51 ~~or division (E)(3) or (4) of~~ 43444  
~~section 5747.62~~ of the Revised Code. The county budget commission 43445  
may require documentation of the reasonableness of the reserve 43446  
balance held in any reserve balance account. The commission shall 43447  
consider any amount in a reserve balance account that it 43448  
determines to be unreasonable as unencumbered and as revenue for 43449  
the purposes of sections 5747.51 ~~and 5747.62~~ of the Revised Code 43450  
and may take such amounts into consideration when determining 43451  
whether to reduce the taxing authority of a subdivision. 43452

Sec. 5705.30. This section does not apply to a subdivision 43453  
for which the county budget commission has waived the requirement 43454  
to adopt a tax budget under section 5705.281 of the Revised Code. 43455

In addition to the information required by section 5705.29 of 43456  
the Revised Code, the budget of each subdivision and school 43457  
library district shall include such other information as is 43458  
prescribed by the auditor of state. At least two copies of the 43459  
budget shall be filed in the office of the fiscal officer of the 43460  
subdivision for public inspection not less than ten days before 43461  
its adoption by the taxing authority, and such taxing authority 43462  
shall hold at least one public hearing thereon, of which public 43463  
notice shall be given by at least one publication not less than 43464  
ten days prior to the date of hearing in the official publication 43465  
of such subdivision, or in a newspaper having general circulation 43466  
in the subdivision. The budget, after adoption, shall be submitted 43467  
to the county auditor on or before the twentieth day of July, or 43468  
in the case of a school district, by the twentieth day of January. 43469  
The tax commissioner may prescribe a later date for the submission 43470  
of a subdivision's tax budget. Any subdivision that fails to 43471  
submit its budget to the county auditor on or before the twentieth 43472  
day of July, unless the commissioner on or before the twentieth 43473  
day of July prescribes a later date for submission of the budget 43474  
by that subdivision, shall not receive an apportionment from the 43475  
undivided local ~~government~~ communities fund distribution for the 43476  
ensuing calendar year, unless upon review of the matter the 43477  
commissioner determines that the budget was adopted by the 43478  
subdivision on or before the fifteenth day of July, but was not 43479  
submitted to the county auditor by the twentieth day of July or 43480  
the later time prescribed by the commissioner because of 43481  
ministerial error by the subdivision or its officers, employees, 43482  
or other representatives. 43483



**Sec. 5705.31.** The county auditor shall present to the county 43484  
budget commission the annual tax budgets submitted under sections 43485  
5705.01 to 5705.47 of the Revised Code, together with an estimate 43486  
prepared by the auditor of the amount of any state levy, the rate 43487  
of any school tax levy as previously determined, the tax 43488  
commissioner's estimate of the amount to be received in the county 43489  
~~library and local government support libraries~~ fund, the tax rates 43490  
provided under section 5705.281 of the Revised Code if adoption of 43491  
the tax budget was waived under that section, and such other 43492  
information as the commission requests or the tax commissioner 43493  
prescribes. The budget commission shall examine such budget and 43494  
ascertain the total amount proposed to be raised in the county for 43495  
the purposes of each subdivision and other taxing units in the 43496  
county. 43497

The commission shall ascertain that the following levies have 43498  
been properly authorized and, if so authorized, shall approve them 43499  
without modification: 43500

(A) All levies in excess of the ten-mill limitation; 43501

(B) All levies for debt charges not provided for by levies in 43502  
excess of the ten-mill limitation, including levies necessary to 43503  
pay notes issued for emergency purposes; 43504

(C) The levies prescribed by division (B) of sections 742.33 43505  
and 742.34 of the Revised Code; 43506

(D) Except as otherwise provided in this division, a minimum 43507  
levy within the ten-mill limitation for the current expense and 43508  
debt service of each subdivision or taxing unit, which shall equal 43509  
two-thirds of the average levy for current expenses and debt 43510  
service allotted within the fifteen-mill limitation to such 43511  
subdivision or taxing unit during the last five years the 43512  
fifteen-mill limitation was in effect unless such subdivision or 43513  
taxing unit requests an amount requiring a lower rate. Except as 43514

provided in section 5705.312 of the Revised Code, if the levies 43515  
required in divisions (B) and (C) of this section for the 43516  
subdivision or taxing unit equal or exceed the entire minimum levy 43517  
of the subdivision as fixed, the minimum levies of the other 43518  
subdivisions or taxing units shall be reduced by the commission to 43519  
provide for the levies and an operating levy for the subdivision. 43520  
Such additional levy shall be deducted from the minimum levies of 43521  
each of the other subdivisions or taxing units, but the operating 43522  
levy for a school district shall not be reduced below a figure 43523  
equivalent to forty-five per cent of the millage available within 43524  
the ten-mill limitation after all the levies in divisions (B) and 43525  
(C) of this section have been provided for. 43526

If a municipal corporation and a township have entered into 43527  
an annexation agreement under section 709.192 of the Revised Code 43528  
in which they agree to reallocate their shares of the minimum 43529  
levies established under this division and if that annexation 43530  
agreement is submitted along with the annual tax budget of both 43531  
the township and the municipal corporation, then, when determining 43532  
the minimum levy under this division, the auditor shall allocate, 43533  
to the extent possible, the minimum levy for that municipal 43534  
corporation and township in accordance with their annexation 43535  
agreement. 43536

(E) The levies prescribed by section 3709.29 of the Revised 43537  
Code. 43538

Divisions (A) to (E) of this section are mandatory, and 43539  
commissions shall be without discretion to reduce such minimum 43540  
levies except as provided in such divisions. 43541

If any debt charge is omitted from the budget, the commission 43542  
shall include it therein. 43543

**Sec. 5705.32.** (A) The county budget commission shall adjust 43544  
the estimated amounts required from the general property tax for 43545

each fund, as shown by the tax budgets or other information 43546  
required to be provided under section 5705.281 of the Revised 43547  
Code, so as to bring the tax levies required therefor within the 43548  
limitations specified in sections 5705.01 to 5705.47 of the 43549  
Revised Code, for such levies, but no levy shall be reduced below 43550  
a minimum fixed by law. The commission may revise and adjust the 43551  
estimate of balances and receipts from all sources for each fund 43552  
and shall determine the total appropriations that may be made 43553  
therefrom. 43554

(B) The commission shall fix the amount of the county ~~library~~ 43555  
~~and local government support libraries~~ fund to be distributed to 43556  
each board of public library trustees that has qualified under 43557  
section 5705.28 of the Revised Code for participation in the 43558  
proceeds of such fund. The amount paid to all libraries in the 43559  
county from such fund shall never be a smaller per cent of the 43560  
fund than the average of the percentages of the county's 43561  
classified taxes that were distributed to libraries in 1982, 1983, 43562  
and 1984, as determined by the county auditor. The commission 43563  
shall base the amount for distribution on the needs of such 43564  
library for the construction of new library buildings, parts of 43565  
buildings, improvements, operation, maintenance, or other 43566  
expenses. In determining the needs of each library board of 43567  
trustees, and in calculating the amount to be distributed to any 43568  
library board of trustees on the basis of its needs, the 43569  
commission shall make no reduction in its allocation from the fund 43570  
on account of additional revenues realized by a library from 43571  
increased taxes or service charges voted by its electorate, from 43572  
revenues received through federal or state grants, projects, or 43573  
programs, or from grants from private sources. 43574

(C) Notwithstanding the fact that alternative methods of 43575  
financing such needs are available, after fixing the amount to be 43576  
distributed to libraries, the commission shall fix the amount, if 43577

any, of the county ~~library and local government support libraries~~ 43578  
fund to be distributed to each board of township park 43579  
commissioners, the county, and each municipal corporation in 43580  
accordance with the following: 43581

(1) Each municipal corporation in the county shall receive a 43582  
per cent of the remainder that equals the per cent that the county 43583  
auditor determines the classified property taxes originating in 43584  
such municipal corporation in 1984 were of the total of all of the 43585  
county's classified property taxes in 1984. The commission may 43586  
deduct from this amount any amount that the budget commission 43587  
allows to the board of township park commissioners of a township 43588  
park district, the boundaries of which are coextensive with or 43589  
contained within the boundaries of the municipal corporation. 43590

(2) The county shall receive a per cent of the remainder that 43591  
equals the per cent that the county auditor determines the 43592  
classified property taxes originating outside of the boundaries of 43593  
municipal corporations in the county in 1984 were of the total of 43594  
all of the county's classified property taxes in 1984. The 43595  
commission may deduct from this amount any amount that the budget 43596  
commission allows to the board of township park commissioners of a 43597  
township park district, the boundaries of which are not 43598  
coextensive with or contained within those of any municipal 43599  
corporation in the county. 43600

(D) The commission shall separately set forth the amounts 43601  
fixed and determined under divisions (B) and (C) of this section 43602  
in the "official certificate of estimated resources," as provided 43603  
in section 5705.35 of the Revised Code, and separately certify 43604  
such amount to the county auditor who shall be guided thereby in 43605  
the distribution of the county ~~library and local government~~ 43606  
~~support libraries~~ fund for and during the fiscal year. In 43607  
determining such amounts, the commission shall be guided by the 43608  
estimate certified by the tax commissioner and presented by the 43609

auditor under section 5705.31 of the Revised Code, as to the total 43610  
amount of revenue to be received in the county ~~library and~~ local 43611  
~~government support~~ libraries fund during such fiscal year. 43612

(E)(1) At least five days before the date of any meeting at 43613  
which the budget commission plans to discuss the distribution of 43614  
the county ~~library and~~ local ~~government support~~ libraries fund, it 43615  
shall notify each legislative authority and board of public 43616  
library trustees, county commissioners, and township park 43617  
commissioners eligible to participate in the distribution of the 43618  
fund of the date, time, place, and agenda for the meeting. Any 43619  
legislative authority or board entitled to notice under this 43620  
division may designate an officer or employee of such legislative 43621  
authority or board to whom the commission shall deliver the 43622  
notice. 43623

(2) Before the final determination of the amount to be 43624  
allotted to each subdivision from any source, the commission shall 43625  
permit representatives of each subdivision and of each board of 43626  
public library trustees to appear before it to explain its 43627  
financial needs. 43628

(F) If any public library receives and expends any funds 43629  
allocated to it under this section for the construction of new 43630  
library buildings or parts of buildings, such library shall be 43631  
free and open to the inhabitants of the county in which it is 43632  
located. Any board of library trustees that receives funds under 43633  
this section and section 5747.48 of the Revised Code shall have 43634  
its financial records open for public inspection at all reasonable 43635  
times. 43636

**Sec. 5705.321.** (A) As used in this section: 43637

(1) "City, located wholly or partially in the county, with 43638  
the greatest population" means the city, located wholly or 43639  
partially in the county, with the greatest population residing in 43640

the county; however, if the county budget commission on or before 43641  
January 1, 1998, adopted an alternative method of apportionment 43642  
that was approved by the city, located partially in the county, 43643  
with the greatest population but not the greatest population 43644  
residing in the county, "city, located wholly or partially in the 43645  
county, with the greatest population" means the city, located 43646  
wholly or partially in the county, with the greatest population 43647  
whether residing in the county or not, if this alternative meaning 43648  
is adopted by action of the board of county commissioners and a 43649  
majority of the boards of township trustees and legislative 43650  
authorities of municipal corporations located wholly or partially 43651  
in the county. 43652

(2) "Participating political subdivision" means a municipal 43653  
corporation or township that satisfies all of the following: 43654

(a) It is located wholly or partially in the county. 43655

(b) It is not the city, located wholly or partially in the 43656  
county, with the greatest population. 43657

(c) ~~Library and local government support~~ Local libraries fund 43658  
moneys are apportioned to it under the county's alternative method 43659  
or formula of apportionment in the current calendar year. 43660

(B) In lieu of the method of apportionment of the county 43661  
~~library and local government support~~ libraries fund provided by 43662  
division (C) of section 5705.32 of the Revised Code, the county 43663  
budget commission may provide for the apportionment of the fund 43664  
under an alternative method or on a formula basis as authorized by 43665  
this section. 43666

Except as otherwise provided in division (C) of this section, 43667  
the alternative method of apportionment shall have first been 43668  
approved by all of the following governmental units: the board of 43669  
county commissioners; the legislative authority of the city, 43670  
located wholly or partially in the county, with the greatest 43671

population; and a majority of the boards of township trustees and 43672  
legislative authorities of municipal corporations, located wholly 43673  
or partially in the county, excluding the legislative authority of 43674  
the city, located wholly or partially in the county, with the 43675  
greatest population. In granting or denying approval for an 43676  
alternative method of apportionment, the board of county 43677  
commissioners, boards of township trustees, and legislative 43678  
authorities of municipal corporations shall act by motion. A 43679  
motion to approve shall be passed upon a majority vote of the 43680  
members of a board of county commissioners, board of township 43681  
trustees, or legislative authority of a municipal corporation, 43682  
shall take effect immediately, and need not be published. 43683

Any alternative method of apportionment adopted and approved 43684  
under this division may be revised, amended, or repealed in the 43685  
same manner as it may be adopted and approved. If an alternative 43686  
method of apportionment adopted and approved under this division 43687  
is repealed, the county ~~library and local government support~~ 43688  
libraries fund shall be apportioned among the subdivisions 43689  
eligible to participate in the fund, commencing in the ensuing 43690  
calendar year, under the apportionment provided in divisions (B) 43691  
and (C) of section 5705.32 of the Revised Code, unless the repeal 43692  
occurs by operation of division (C) of this section or a new 43693  
method for apportionment of the fund is provided in the action of 43694  
repeal. 43695

(C) This division applies only in counties in which the city, 43696  
located wholly or partially in the county, with the greatest 43697  
population has a population of twenty thousand or less and a 43698  
population that is less than fifteen per cent of the total 43699  
population of the county. In such a county, the legislative 43700  
authorities or boards of township trustees of two or more 43701  
participating political subdivisions, which together have a 43702  
population residing in the county that is a majority of the total 43703

population of the county, each may adopt a resolution to exclude 43704  
the approval otherwise required of the legislative authority of 43705  
the city, located wholly or partially in the county, with the 43706  
greatest population. All of the resolutions to exclude that 43707  
approval shall be adopted not later than the first Monday of 43708  
August of the year preceding the calendar year in which 43709  
distributions are to be made under an alternative method of 43710  
apportionment. 43711

A motion granting or denying approval of an alternative 43712  
method of apportionment under this division shall be adopted by a 43713  
majority vote of the members of the board of county commissioners 43714  
and by a majority vote of a majority of the boards of township 43715  
trustees and legislative authorities of the municipal corporations 43716  
located wholly or partially in the county, other than the city, 43717  
located wholly or partially in the county, with the greatest 43718  
population, shall take effect immediately, and need not be 43719  
published. The alternative method of apportionment under this 43720  
division shall be adopted and approved annually, not later than 43721  
the first Monday of August of the year preceding the calendar year 43722  
in which distributions are to be made under it. A motion granting 43723  
approval of an alternative method of apportionment under this 43724  
division repeals any existing alternative method of apportionment, 43725  
effective with distributions to be made from the fund in the 43726  
ensuing calendar year. An alternative method of apportionment 43727  
under this division shall not be revised or amended after the 43728  
first Monday of August of the year preceding the calendar year in 43729  
which distributions are to be made under it. 43730

(D) In determining an alternative method of apportionment 43731  
authorized by this section, the county budget commission may 43732  
include in the method any factor considered to be appropriate and 43733  
reliable, in the sole discretion of the county budget commission. 43734

(E) On the basis of any alternative method of apportionment 43735



adopted and approved as authorized by this section, as certified 43736  
by the auditor to the county treasurer, the county treasurer shall 43737  
make distribution of the money in the county ~~library and~~ local 43738  
~~government support~~ libraries fund to each subdivision eligible to 43739  
participate in the fund, and the auditor, when the amount of those 43740  
shares is in the custody of the treasurer in the amounts so 43741  
computed to be due the respective subdivisions, shall at the same 43742  
time certify to the tax commissioner the percentage share of the 43743  
county as a subdivision. All money received into the treasury of a 43744  
subdivision from the county ~~library and~~ local ~~government support~~ 43745  
libraries fund in a county treasury shall be paid into the general 43746  
fund and used for the current operating expenses of the 43747  
subdivision. 43748

(F) The actions of the county budget commission taken 43749  
pursuant to this section are final and may not be appealed to the 43750  
board of tax appeals, except on the issues of abuse of discretion 43751  
and failure to comply with the formula. 43752

**Sec. 5705.37.** The taxing authority of any subdivision that is 43753  
dissatisfied with any action of the county budget commission may, 43754  
through its fiscal officer, appeal to the board of tax appeals 43755  
within thirty days after the receipt by the subdivision of the 43756  
official certificate or notice of the commission's action. In like 43757  
manner, but through its clerk, the board of trustees of any public 43758  
library, nonprofit corporation, or library association maintaining 43759  
a free public library that has adopted and certified rules under 43760  
section 5705.28 of the Revised Code, or any park district may 43761  
appeal to the board of tax appeals. An appeal under this section 43762  
shall be taken by the filing of a notice of appeal, either in 43763  
person or by certified mail, express mail, or authorized delivery 43764  
service as provided in section 5703.056 of the Revised Code, with 43765  
the board and with the commission. If notice of appeal is filed by 43766  
certified mail, express mail, or authorized delivery service, date 43767

of the United States postmark placed on the sender's receipt by 43768  
the postal service or the date of receipt recorded by the 43769  
authorized delivery service shall be treated as the date of 43770  
filing. Upon receipt of the notice of appeal, the commission, by 43771  
certified mail, shall notify all persons who were parties to the 43772  
proceeding before the commission of the filing of the notice of 43773  
appeal and shall file proof of notice with the board of tax 43774  
appeals. The secretary of the commission shall forthwith certify 43775  
to the board a transcript of the full and accurate record of all 43776  
proceedings before the commission, together with all evidence 43777  
presented in the proceedings or considered by the commission, 43778  
pertaining to the action from which the appeal is taken. The 43779  
secretary of the commission also shall certify to the board any 43780  
additional information that the board may request. 43781

The board of tax appeals, in a de novo proceeding, shall 43782  
forthwith consider the matter presented to the commission, and may 43783  
modify any action of the commission with reference to the budget, 43784  
the estimate of revenues and balances, the allocation of the 43785  
~~library and local government support libraries~~ fund, or the fixing 43786  
of tax rates. The finding of the board of tax appeals shall be 43787  
substituted for the findings of the commission, and shall be 43788  
certified to the tax commissioner, the county auditor, and the 43789  
taxing authority of the subdivision affected, or to the board of 43790  
public library trustees affected, as the action of the commission 43791  
under sections 5705.01 to 5705.47 of the Revised Code. 43792

This section does not give the board of tax appeals any 43793  
authority to place any tax levy authorized by law within the 43794  
ten-mill limitation outside of that limitation, or to reduce any 43795  
levy below any minimum fixed by law. 43796

**Sec. 5709.68.** (A) On or before the thirty-first day of March 43797  
each year, a municipal corporation or county that has entered into 43798

an agreement with an enterprise under section 5709.62, 5709.63, or 43799  
5709.632 of the Revised Code shall submit to the director of 43800  
development and the board of education of each school district of 43801  
which a municipal corporation or township to which such an 43802  
agreement applies is a part a report on all of those agreements in 43803  
effect during the preceding calendar year. The report shall 43804  
include all of the following information: 43805

(1) The designation, assigned by the director of development, 43806  
of each urban jobs and enterprise zone within the municipal 43807  
corporation or county, the date each zone was certified, the name 43808  
of each municipal corporation or township within each zone, and 43809  
the total population of each zone according to the most recent 43810  
data available; 43811

(2) The number of enterprises that are subject to those 43812  
agreements and the number of full-time employees subject to those 43813  
agreements within each zone, each according to the most recent 43814  
data available and identified and categorized by the appropriate 43815  
standard industrial code, and the rate of unemployment in the 43816  
municipal corporation or county in which the zone is located for 43817  
each year since each zone was certified; 43818

(3) The number of agreements approved and executed during the 43819  
calendar year for which the report is submitted, the total number 43820  
of agreements in effect on the thirty-first day of December of the 43821  
preceding calendar year, the number of agreements that expired 43822  
during the calendar year for which the report is submitted, and 43823  
the number of agreements scheduled to expire during the calendar 43824  
year in which the report is submitted. For each agreement that 43825  
expired during the calendar year for which the report is 43826  
submitted, the municipal corporation or county shall include the 43827  
amount of taxes exempted and the estimated dollar value of any 43828  
other incentives provided under the agreement. 43829

(4) The number of agreements receiving compliance reviews by 43830

the tax incentive review council in the municipal corporation or 43831  
county during the calendar year for which the report is submitted, 43832  
including all of the following information: 43833

(a) The number of agreements the terms of which an enterprise 43834  
has complied with, indicating separately for each agreement the 43835  
value of the real and personal property exempted pursuant to the 43836  
agreement and a comparison of the stipulated and actual schedules 43837  
for hiring new employees, for retaining existing employees, for 43838  
the amount of payroll of the enterprise attributable to these 43839  
employees, and for investing in establishing, expanding, 43840  
renovating, or occupying a facility; 43841

(b) The number of agreements the terms of which an enterprise 43842  
has failed to comply with, indicating separately for each 43843  
agreement the value of the real and personal property exempted 43844  
pursuant to the agreement and a comparison of the stipulated and 43845  
actual schedules for hiring new employees, for retaining existing 43846  
employees, for the amount of payroll of the enterprise 43847  
attributable to these employees, and for investing in 43848  
establishing, expanding, renovating, or occupying a facility; 43849

(c) The number of agreements about which the tax incentive 43850  
review council made recommendations to the legislative authority 43851  
of the municipal corporation or county, and the number of those 43852  
recommendations that have not been followed; 43853

(d) The number of agreements rescinded during the calendar 43854  
year for which the report is submitted. 43855

(5) The number of enterprises that are subject to agreements 43856  
that expanded within each zone, including the number of new 43857  
employees hired and existing employees retained by each 43858  
enterprise, and the number of new enterprises that are subject to 43859  
agreements and that established within each zone, including the 43860  
number of new employees hired by each enterprise; 43861

(6)(a) The number of enterprises that are subject to 43862  
agreements and that closed or reduced employment at any place of 43863  
business within the state for the primary purpose of establishing, 43864  
expanding, renovating, or occupying a facility, indicating 43865  
separately for each enterprise the political subdivision in which 43866  
the enterprise closed or reduced employment at a place of business 43867  
and the number of full-time employees transferred and retained by 43868  
each such place of business; 43869

(b) The number of enterprises that are subject to agreements 43870  
and that closed or reduced employment at any place of business 43871  
outside the state for the primary purpose of establishing, 43872  
expanding, renovating, or occupying a facility. 43873

(7) For each agreement in effect during any part of the 43874  
preceding year, the number of employees employed by the enterprise 43875  
at the project site immediately prior to formal approval of the 43876  
agreement, the number of employees employed by the enterprise at 43877  
the project site on the thirty-first day of December of the 43878  
preceding year, the payroll of the enterprise for the preceding 43879  
year, the amount of taxes paid on tangible personal property 43880  
situated at the project site and the amount of those taxes that 43881  
were not paid because of the exemption granted under the 43882  
agreement, and the amount of taxes paid on real property 43883  
constituting the project site and the amount of those taxes that 43884  
were not paid because of the exemption granted under the 43885  
agreement. If an agreement was entered into under section 5709.632 43886  
of the Revised Code with an enterprise described in division 43887  
(B)(2) of that section, the report shall include the number of 43888  
employee positions at all of the enterprise's locations in this 43889  
state. If an agreement is conditioned on a waiver issued under 43890  
division (B) of section 5709.633 of the Revised Code on the basis 43891  
of the circumstance described in division (B)(3)(a) or (b) of that 43892  
section, the report shall include the number of employees at the 43893

facilities referred to in division (B)(3)(a)(i) or (b)(i) of that section, respectively. 43894  
43895

(B) Upon the failure of a municipal corporation or county to comply with division (A) of this section: 43896  
43897

(1) Beginning on the first day of April of the calendar year in which the municipal corporation or county fails to comply with that division, the municipal corporation or county shall not enter into any agreements with an enterprise under section 5709.62, 5709.63, or 5709.632 of the Revised Code until the municipal corporation or county has complied with division (A) of this section. 43898  
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(2) On the first day of each ensuing calendar month until the municipal corporation or county complies with division (A) of this section, the director of development shall either order the proper county auditor to deduct from the next succeeding payment of taxes to the municipal corporation or county under section 321.31, 321.32, 321.33, or 321.34 of the Revised Code an amount equal to one thousand dollars for each calendar month the municipal corporation or county fails to comply with that division, or order the county auditor to deduct that amount from the next succeeding payment to the municipal corporation or county from the undivided local ~~government~~ communities fund under section 5747.51 of the Revised Code. At the time such a payment is made, the county auditor shall comply with the director's order by issuing a warrant, drawn on the fund from which the money would have been paid, to the director of development, who shall deposit the warrant into the state enterprise zone program administration fund created in division (C) of this section. 43905  
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(C) The director, by rule, shall establish the state's application fee for applications submitted to a municipal corporation or county to enter into an agreement under section 5709.62, 5709.63, or 5709.632 of the Revised Code. In establishing 43922  
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the amount of the fee, the director shall consider the state's 43926  
cost of administering the enterprise zone program, including the 43927  
cost of reviewing the reports required under division (A) of this 43928  
section. The director may change the amount of the fee at the 43929  
times and in the increments the director considers necessary. Any 43930  
municipal corporation or county that receives an application shall 43931  
collect the application fee and remit the fee for deposit in the 43932  
state treasury to the credit of the ~~state enterprise zone program~~ 43933  
~~administration fund, which is hereby created. Money credited to~~ 43934  
~~the fund shall be used by the department of development to pay the~~ 43935  
~~costs of administering the enterprise zone program, including the~~ 43936  
~~cost of reviewing the reports required under division (A) of this~~ 43937  
~~section~~ tax incentive programs operating fund created in section 43938  
122.174 of the Revised Code. 43939

(D) On or before the thirtieth day of June each year, the 43940  
director of development shall certify to the tax commissioner the 43941  
information described under division (A)(7) of this section, 43942  
derived from the reports submitted to the director under this 43943  
section. 43944

On the basis of the information certified under this 43945  
division, the tax commissioner annually shall submit a report to 43946  
the governor, the speaker of the house of representatives, the 43947  
president of the senate, and the chairpersons of the ways and 43948  
means committees of the respective houses of the general assembly, 43949  
indicating for each enterprise zone the amount of state and local 43950  
taxes that were not required to be paid because of exemptions 43951  
granted under agreements entered into under section 5709.62, 43952  
5709.63, or 5709.632 of the Revised Code and the amount of 43953  
additional taxes paid from the payroll of new employees. 43954

**Sec. 5709.882.** (A) On or before the thirty-first day of March 43955  
each year, a municipal corporation or county that has entered into 43956

an agreement with an enterprise under section 5709.88 of the Revised Code shall submit to the director of development and the board of education of each school district of which a municipal corporation or county to which such an agreement applies is a part a report on all such agreements in effect during the preceding calendar year. The report shall include all of the following information:

(1) The number of enterprises that are subject to such agreements and the number of full-time employees subject to those agreements in the county or municipal corporation;

(2) The number of agreements approved and executed during the calendar year for which the report is submitted, the total number of agreements in effect on the thirty-first day of December of the preceding calendar year, the number of agreements that expired during the calendar year for which the report is submitted, and the number of agreements scheduled to expire during the calendar year in which the report is submitted. For each agreement that expired during the calendar year for which the report is submitted, the municipal corporation or county shall include the amount of taxes exempted and the estimated dollar value of any other incentives provided under the agreement.

(3) The number of agreements receiving compliance reviews by the tax incentive review council in the municipal corporation or county under section 5709.883 of the Revised Code during the calendar year for which the report is submitted, including all of the following information:

(a) The number of agreements the terms of which an enterprise has complied with, indicating separately for each such agreement the value of the real and personal property exempted pursuant to the agreement and a comparison of the stipulated and actual schedules for hiring new employees, for retaining existing employees, for the amount of payroll of the enterprise



attributable to these employees, and for remediating and investing	43989
in establishing, expanding, renovating, or occupying a facility;	43990
(b) The number of agreements the terms of which an enterprise	43991
has failed to comply with, indicating separately for each such	43992
agreement the value of the real and personal property exempted	43993
pursuant to the agreement and a comparison of the stipulated and	43994
actual schedules for hiring new employees, for retaining existing	43995
employees, for the amount of payroll of the enterprise	43996
attributable to these employees, and for remediating and investing	43997
in establishing, expanding, renovating, or occupying a facility;	43998
(c) The number of agreements about which the tax incentive	43999
review council made recommendations to the legislative authority	44000
of the municipal corporation or county, and the number of such	44001
recommendations that have not been followed;	44002
(d) The number of agreements rescinded during the calendar	44003
year for which the report is submitted.	44004
(4) The number of enterprises that are subject to agreements	44005
and the number of new employees hired and existing employees	44006
retained by each such enterprise;	44007
(5)(a) The number of enterprises that are subject to	44008
agreements and that closed or reduced employment at any place of	44009
business within the state for the primary purpose of remediating	44010
and establishing, expanding, renovating, or occupying a facility,	44011
indicating separately for each such enterprise the political	44012
subdivision in which the enterprise closed or reduced employment	44013
at a place of business and the number of full-time employees	44014
transferred and retained by each such place of business;	44015
(b) The number of enterprises that are subject to agreements	44016
and that closed or reduced employment at any place of business	44017
outside the state for the primary purpose of remediating and	44018
establishing, expanding, renovating, or occupying a facility.	44019

(B) Upon the failure of a municipal corporation or county to 44020  
comply with division (A) of this section, both of the following 44021  
apply: 44022

(1) Beginning on the first day of April of the calendar year 44023  
in which the municipal corporation or county fails to comply with 44024  
that division, the municipal corporation or county shall not enter 44025  
into any agreements with an enterprise under section 5709.88 of 44026  
the Revised Code until the municipal corporation or county has 44027  
complied with division (A) of this section; 44028

(2) On the first day of each ensuing calendar month until the 44029  
municipal corporation or county complies with that division, the 44030  
director of development shall either order the proper county 44031  
auditor to deduct from the next succeeding payment of taxes to the 44032  
municipal corporation or county under section 321.31, 321.32, 44033  
321.33, or 321.34 of the Revised Code an amount equal to five 44034  
hundred dollars for each calendar month the municipal corporation 44035  
or county fails to comply with that division, or order the county 44036  
auditor to deduct such an amount from the next succeeding payment 44037  
to the municipal corporation or county from the undivided local 44038  
~~government~~ communities fund under section 5747.51 of the Revised 44039  
Code. At the time such a payment is made, the county auditor shall 44040  
comply with the director's order by issuing a warrant, drawn on 44041  
the fund from which such money would have been paid, to the 44042  
director of development, who shall deposit the warrant into the 44043  
contaminated sites development program administration fund created 44044  
in division (C) of this section. 44045

(C) The director, by rule, shall establish the state's 44046  
application fee for applications submitted to a municipal 44047  
corporation or county to enter into an agreement under section 44048  
5709.88 of the Revised Code. In establishing the amount of the 44049  
fee, the director shall consider the state's cost of administering 44050  
this section and section 5709.88 of the Revised Code. The director 44051

may change the amount of the fee at such times and in such 44052  
increments as ~~he~~ the director considers necessary. Any municipal 44053  
corporation or county that receives an application shall collect 44054  
the application fee and remit the fee for deposit in the state 44055  
treasury to the credit of the contaminated sites development 44056  
program administration fund, which is hereby created. Money 44057  
credited to the fund shall be used by the department of 44058  
development to pay the costs of administering this section and 44059  
section 5709.88 of the Revised Code. 44060

**Sec. 5715.36.** (A) Any expense incurred by the tax 44061  
commissioner as to the annual assessment of real property in any 44062  
taxing district shall be paid out of the treasury of the county in 44063  
which such district is located upon presentation of the order of 44064  
the commissioner certifying the amount thereof to the county 44065  
auditor, who shall thereupon issue ~~his~~ a warrant therefor upon the 44066  
general fund of the county and direct the warrant to the county 44067  
treasurer, who shall pay the same. All money paid out of the 44068  
county treasury under authority of this division and section 44069  
5703.30 of the Revised Code shall be charged against the proper 44070  
district, and amounts paid by the county shall be retained by the 44071  
auditor from funds due such district at the time of making the 44072  
semiannual distribution of taxes. 44073

(B) Any expense incurred by the board of tax appeals as to 44074  
the hearing of any appeal from a county budget commission with 44075  
respect to the allocation of the local government or local 44076  
communities fund or the county library and local government 44077  
support fund or county local libraries fund shall be paid out of 44078  
the treasury of the county involved upon presentation of the order 44079  
of the board certifying the amount thereof to the county auditor, 44080  
who shall thereupon issue ~~his~~ a warrant therefor upon the general 44081  
fund of the county and direct the warrant to the county treasurer, 44082  
who shall pay the same. At the time the local government or local 44083

communities fund or the county library and local government 44084  
support fund or county local libraries fund is distributed, all 44085  
money which had been paid out of the county treasury for such 44086  
expenses shall be deducted by the county auditor from the fund 44087  
involved in the appeal. The amount so deducted by the county 44088  
auditor shall be forthwith returned to the general fund of the 44089  
county. 44090

(C) An amount equal to the sum of the expenses incurred by 44091  
the board of tax appeals as to any of the following shall be paid 44092  
out of the general fund of the county in which such property is 44093  
located upon presentation of the order of the board certifying the 44094  
amount thereof to the county auditor, who shall thereupon issue 44095  
~~his~~ a warrant therefor upon the general fund of the county and 44096  
direct the warrant to the county treasurer, who shall pay the 44097  
same: 44098

(1) The hearing of any appeal from a county board of revision 44099  
under section 5717.01 of the Revised Code; 44100

(2) An appeal from any finding, computation, determination, 44101  
or order of the tax commissioner made with respect to the 44102  
assessment or exemption of real property under division (B) of 44103  
section 5715.61 and section 5717.02 of the Revised Code. At the 44104  
time of each settlement of taxes under divisions (A) and (C) of 44105  
section 321.24 of the Revised Code, there shall be deducted from 44106  
the taxes included in such settlement and paid into the county 44107  
general fund in the same manner as the fees allowed the county 44108  
treasurer on amounts included in such settlement, the amounts paid 44109  
out under this division since the preceding settlement. Each 44110  
deduction shall be apportioned among the taxing districts within 44111  
which the property that was the subject of the appeal is located 44112  
in proportion to their relative shares of their respective taxes 44113  
included in the settlement. 44114

**Sec. 5719.041.** If the payment of a general personal property 44115  
or classified property tax is not made on or before the last day 44116  
prescribed by section 5719.03 or 5719.031 of the Revised Code, an 44117  
interest charge shall begin to accrue and shall continue until all 44118  
charges are paid, except that no interest charge shall accrue for 44119  
or in the month in which such payment was due under such section 44120  
or under the circumstances and for the period described in 44121  
division (A)(2) of section 5711.33 of the Revised Code or upon 44122  
delinquent taxes that are the subject of a delinquent tax contract 44123  
entered into pursuant to section 5719.05 of the Revised Code. 44124

The interest charge shall accrue against the balance of such 44125  
taxes and any penalty thereon outstanding that remains unpaid on 44126  
the last day of each month and shall be at the rate per calendar 44127  
month, rounded to the nearest one-hundredth of one per cent, equal 44128  
to one-twelfth of the federal short-term rate determined by the 44129  
tax commissioner under section 5703.47 of the Revised Code for the 44130  
calendar year that includes the month for which the charge 44131  
accrues. The charge is payable in addition to the unpaid balance 44132  
of taxes and penalties on the day the charge accrues, unless the 44133  
entire balance is sooner paid. 44134

If a delinquent tax contract becomes void, interest shall be 44135  
charged on the day on which the contract becomes void in the 44136  
amount that would have been charged had the delinquent tax 44137  
contract not been entered into and shall thereafter accrue as 44138  
provided in this section. 44139

Interest shall be allowed, at the same rate per calendar 44140  
month as is applicable that month for underpayments, on any 44141  
overpayment of the tax charged on a general personal property or a 44142  
classified property tax duplicate, from the first day of the month 44143  
following the date of the overpayment until the last day of the 44144  
month preceding the date of the refund of the overpayment. The 44145

interest shall be paid from the fund or funds to which the 44146  
overpayment was credited. 44147

When the county treasurer makes the treasurer's annual 44148  
settlement with the county auditor under division (D) of section 44149  
321.24 of the Revised Code, the treasurer shall certify to the 44150  
auditor a list of all entries on the cumulative delinquent tax 44151  
duplicate that are at that time in the process of being paid in 44152  
installments under a valid delinquent tax contract. For each entry 44153  
that appears on the duplicate that is not on the certified list, 44154  
the auditor shall compute the full amount of interest charges 44155  
which have accrued against such entry since the preceding such 44156  
settlement was made and shall include such charges through the 44157  
last day of the month preceding the current settlement. The 44158  
auditor shall include such amounts on the tax list and duplicates 44159  
prepared by the auditor as prescribed in section 5719.04 of the 44160  
Revised Code unless the interest is less than one dollar, in which 44161  
case it shall not be added to such tax lists and duplicates. 44162

Before the county treasurer accepts any payment of taxes 44163  
against which there are accrued interest charges that do not 44164  
appear on the delinquent tax duplicate, the treasurer shall notify 44165  
the auditor who shall issue a certificate to the treasurer showing 44166  
the amount of such interest charges, and the treasurer shall 44167  
collect the amount shown on such certificate at the time of 44168  
accepting payment of such taxes. If the amount of such interest 44169  
charges is less than one dollar, no such certificate shall be 44170  
issued. In the case of delinquent personal property taxes, the 44171  
interest shown on such certificate shall be credited to the 44172  
undivided general tax fund, and distributed in the same manner as 44173  
the delinquent taxes upon which the interest charges accrued. In 44174  
the case of delinquent classified property taxes, the interest 44175  
shown on such certificate shall be credited to the county ~~library~~ 44176  
~~and local government support libraries~~ fund and distributed in 44177

accordance with section 5747.48 of the Revised Code. When the 44178  
payment of delinquent taxes is credited on the tax duplicate the 44179  
treasurer shall make a separate notation thereon indicating the 44180  
amount collected and the index number of the auditor's certificate 44181  
herein prescribed. 44182

**Sec. 5725.151.** (A) As used in this section, "certificate 44183  
owner" has the same meaning as in section 149.311 of the Revised 44184  
Code. 44185

(B) There is allowed a refundable credit against the tax 44186  
imposed by section 5707.03 and assessed under section 5725.15 of 44187  
the Revised Code for a dealer in intangibles subject to that tax 44188  
that is a certificate owner of a rehabilitation tax credit 44189  
certificate issued under section 149.311 of the Revised Code. The 44190  
credit shall equal twenty-five per cent of the dollar amount 44191  
indicated on the certificate. The credit shall be claimed in the 44192  
calendar year specified in the certificate. 44193

(C) A dealer in intangibles claiming a credit under this 44194  
section shall retain the rehabilitation tax credit certificate for 44195  
four years following the end of the year in which the credit was 44196  
claimed, and shall make the certificate available for inspection 44197  
by the tax commissioner upon the request of the tax commissioner 44198  
during that period. 44199

(D) For the purpose of division (C) of section 5725.24 of the 44200  
Revised Code, reductions in the amount of taxes collected on 44201  
account of credits allowed under this section shall be applied to 44202  
reduce the amount credited to the general revenue fund and shall 44203  
not be applied to reduce the amount to be credited to the 44204  
undivided local ~~government~~ communities funds of the counties in 44205  
which such taxes originate. 44206

**Sec. 5725.24.** (A) As used in this section, "qualifying 44207

dealer" means a dealer in intangibles that is a qualifying dealer 44208  
in intangibles as defined in section 5733.45 of the Revised Code 44209  
or a member of a qualifying controlled group, as defined in 44210  
section 5733.04 of the Revised Code, of which an insurance company 44211  
also is a member on the first day of January of the year in and 44212  
for which the tax imposed by section 5707.03 of the Revised Code 44213  
is required to be paid by the dealer. 44214

(B) The taxes levied by section 5725.18 of the Revised Code 44215  
and collected pursuant to this chapter shall be paid into the 44216  
state treasury to the credit of the general revenue fund. 44217

(C) The taxes levied by section 5707.03 of the Revised Code 44218  
on the value of shares in and capital employed by dealers in 44219  
intangibles other than those that are qualifying dealers shall be 44220  
for the use of the general revenue fund of the state and the local 44221  
~~government~~ communities funds of the several counties in which the 44222  
taxes originate as provided in this division. 44223

~~On or before the first day of~~ During each month ~~on~~ for which 44224  
there is money in the state treasury for disbursement under this 44225  
division, the tax commissioner shall provide for payment to the 44226  
county treasurer of each county of five-eighths of the amount of 44227  
the taxes collected on account of shares in and capital employed 44228  
by dealers in intangibles other than those that are qualifying 44229  
dealers, representing capital employed in the county. The balance 44230  
of the money received and credited on account of taxes assessed on 44231  
shares in and capital employed by such dealers in intangibles 44232  
shall be credited to the general revenue fund. 44233

Reductions in the amount of taxes collected on account of 44234  
credits allowed under section 5725.151 of the Revised Code shall 44235  
be applied to reduce the amount credited to the general revenue 44236  
fund and shall not be applied to reduce the amount to be credited 44237  
to the undivided local ~~government~~ communities funds of the 44238  
counties in which such taxes originate. 44239



For the purpose of this division, such taxes are deemed to 44240  
originate in the counties in which such dealers in intangibles 44241  
have their offices. 44242

Money received into the treasury of a county pursuant to this 44243  
section shall be credited to the undivided local ~~government~~ 44244  
communities fund of the county and shall be distributed by the 44245  
budget commission as provided by law. 44246

(D) All of the taxes levied under section 5707.03 of the 44247  
Revised Code on the value of the shares in and capital employed by 44248  
dealers in intangibles that are qualifying dealers shall be paid 44249  
into the state treasury to the credit of the general revenue fund. 44250

**Sec. 5727.45.** ~~Four and two tenths~~ One hundred per cent of all 44251  
excise taxes and penalties collected under sections 5727.01 to 44252  
5727.62 of the Revised Code shall be credited to ~~the local~~ 44253  
~~government fund for distribution in accordance with section~~ 44254  
~~5747.50 of the Revised Code, six tenths of one per cent shall be~~ 44255  
~~credited to the local government revenue assistance fund for~~ 44256  
~~distribution in accordance with section 5747.61 of the Revised~~ 44257  
~~Code, and ninety five and two tenths per cent shall be credited to~~ 44258  
the general revenue fund. 44259

**Sec. 5727.84.** (A) As used in this section and sections 44260  
5727.85, 5727.86, and 5727.87 of the Revised Code: 44261

(1) "School district" means a city, local, or exempted 44262  
village school district. 44263

(2) "Joint vocational school district" means a joint 44264  
vocational school district created under section 3311.16 of the 44265  
Revised Code, and includes a cooperative education school district 44266  
created under section 3311.52 or 3311.521 of the Revised Code and 44267  
a county school financing district created under section 3311.50 44268  
of the Revised Code. 44269

(3) "Local taxing unit" means a subdivision or taxing unit, 44270  
as defined in section 5705.01 of the Revised Code, a park district 44271  
created under Chapter 1545. of the Revised Code, or a township 44272  
park district established under section 511.23 of the Revised 44273  
Code, but excludes school districts and joint vocational school 44274  
districts. 44275

(4) "State education aid," for a school district, means the 44276  
sum of state aid amounts computed for the district under divisions 44277  
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 44278  
divisions (B), (C), and (D) of section 3317.023; divisions (G), 44279  
(L), and (N) of section 3317.024; and sections 3317.029, 44280  
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 44281  
the Revised Code; and the adjustments required by: division (C) of 44282  
section 3310.08; division (C) of section 3314.08; division (D) of 44283  
section 3314.13; divisions (E), (K), (L), (M), (N), and (O) of 44284  
section 3317.023; division (C) of section 3317.20; and sections 44285  
3313.979 and 3313.981 of the Revised Code. However, when 44286  
calculating state education aid for a school district for fiscal 44287  
years ~~2006~~ 2008 and ~~2007~~ 2009, include the amount computed for the 44288  
district under Section ~~206.09.21~~ 269.20.80 of ~~Am. Sub. H.B. 66~~ 119 44289  
of the ~~126th~~ 127th general assembly, as subsequently amended, 44290  
instead of division (D) of section 3317.022 of the Revised Code; 44291  
include amounts calculated under Section ~~206.09.39~~ 269.30.80 of 44292  
~~that~~ this act, as subsequently amended; and account for 44293  
adjustments under division (C)(2) of section 3310.41 of the 44294  
Revised Code. 44295

(5) "State education aid," for a joint vocational school 44296  
district, means the sum of the state aid amounts computed for the 44297  
district under division (N) of section 3317.024 and section 44298  
3317.16 of the Revised Code. However, when calculating state 44299  
education aid for a joint vocational school district for fiscal 44300  
years ~~2006~~ 2008 and ~~2007~~ 2009, include the amount computed for the 44301

district under Section ~~206.09.42~~ 269.30.90 of ~~Am. Sub. H.B. 66~~ 119 44302  
of the ~~126th~~ 127th general assembly, as subsequently amended. 44303

(6) "State education aid offset" means the amount determined 44304  
for each school district or joint vocational school district under 44305  
division (A)(1) of section 5727.85 of the Revised Code. 44306

(7) "Recognized valuation" has the same meaning as in section 44307  
3317.02 of the Revised Code. 44308

(8) "Electric company tax value loss" means the amount 44309  
determined under division (D) of this section. 44310

(9) "Natural gas company tax value loss" means the amount 44311  
determined under division (E) of this section. 44312

(10) "Tax value loss" means the sum of the electric company 44313  
tax value loss and the natural gas company tax value loss. 44314

(11) "Fixed-rate levy" means any tax levied on property other 44315  
than a fixed-sum levy. 44316

(12) "Fixed-rate levy loss" means the amount determined under 44317  
division (G) of this section. 44318

(13) "Fixed-sum levy" means a tax levied on property at 44319  
whatever rate is required to produce a specified amount of tax 44320  
money or levied in excess of the ten-mill limitation to pay debt 44321  
charges, and includes school district emergency levies imposed 44322  
pursuant to section 5705.194 of the Revised Code. 44323

(14) "Fixed-sum levy loss" means the amount determined under 44324  
division (H) of this section. 44325

(15) "Consumer price index" means the consumer price index 44326  
(all items, all urban consumers) prepared by the bureau of labor 44327  
statistics of the United States department of labor. 44328

(B) The kilowatt-hour tax receipts fund is hereby created in 44329  
the state treasury and shall consist of money arising from the tax 44330  
imposed by section 5727.81 of the Revised Code. All money in the 44331

kilowatt-hour tax receipts fund shall be credited as follows: 44332

(1) ~~Fifty nine and nine hundred seventy six one thousandths~~ 44333  
~~Sixty-three~~ per cent, shall be credited to the general revenue 44334  
fund. 44335

(2) ~~Two and six hundred forty six one thousandths per cent~~ 44336  
~~shall be credited to the local government fund, for distribution~~ 44337  
~~in accordance with section 5747.50 of the Revised Code.~~ 44338

(3) ~~Three hundred seventy eight one thousandths per cent~~ 44339  
~~shall be credited to the local government revenue assistance fund,~~ 44340  
~~for distribution in accordance with section 5747.61 of the Revised~~ 44341  
~~Code.~~ 44342

(4) Twenty-five and four-tenths per cent shall be credited to 44343  
the school district property tax replacement fund, which is hereby 44344  
created in the state treasury for the purpose of making the 44345  
payments described in section 5727.85 of the Revised Code. 44346

(5)(3) Eleven and six-tenths per cent shall be credited to 44347  
the local government property tax replacement fund, which is 44348  
hereby created in the state treasury for the purpose of making the 44349  
payments described in section 5727.86 of the Revised Code. 44350

(C) The natural gas tax receipts fund is hereby created in 44351  
the state treasury and shall consist of money arising from the tax 44352  
imposed by section 5727.811 of the Revised Code. All money in the 44353  
fund shall be credited as follows: 44354

(1) Sixty-eight and seven-tenths per cent shall be credited 44355  
to the school district property tax replacement fund for the 44356  
purpose of making the payments described in section 5727.85 of the 44357  
Revised Code. 44358

(2) Thirty-one and three-tenths per cent shall be credited to 44359  
the local government property tax replacement fund for the purpose 44360  
of making the payments described in section 5727.86 of the Revised 44361

Code. 44362

(D) Not later than January 1, 2002, the tax commissioner 44363  
shall determine for each taxing district its electric company tax 44364  
value loss, which is the sum of the applicable amounts described 44365  
in divisions (D)(1) to (3) of this section: 44366

(1) The difference obtained by subtracting the amount 44367  
described in division (D)(1)(b) from the amount described in 44368  
division (D)(1)(a) of this section. 44369

(a) The value of electric company and rural electric company 44370  
tangible personal property as assessed by the tax commissioner for 44371  
tax year 1998 on a preliminary assessment, or an amended 44372  
preliminary assessment if issued prior to March 1, 1999, and as 44373  
apportioned to the taxing district for tax year 1998; 44374

(b) The value of electric company and rural electric company 44375  
tangible personal property as assessed by the tax commissioner for 44376  
tax year 1998 had the property been apportioned to the taxing 44377  
district for tax year 2001, and assessed at the rates in effect 44378  
for tax year 2001. 44379

(2) The difference obtained by subtracting the amount 44380  
described in division (D)(2)(b) from the amount described in 44381  
division (D)(2)(a) of this section. 44382

(a) The three-year average for tax years 1996, 1997, and 1998 44383  
of the assessed value from nuclear fuel materials and assemblies 44384  
assessed against a person under Chapter 5711. of the Revised Code 44385  
from the leasing of them to an electric company for those 44386  
respective tax years, as reflected in the preliminary assessments; 44387

(b) The three-year average assessed value from nuclear fuel 44388  
materials and assemblies assessed under division (D)(2)(a) of this 44389  
section for tax years 1996, 1997, and 1998, as reflected in the 44390  
preliminary assessments, using an assessment rate of twenty-five 44391  
per cent. 44392

(3) In the case of a taxing district having a nuclear power plant within its territory, any amount, resulting in an electric company tax value loss, obtained by subtracting the amount described in division (D)(1) of this section from the difference obtained by subtracting the amount described in division (D)(3)(b) of this section from the amount described in division (D)(3)(a) of this section.

(a) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2000 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned to the taxing district for tax year 2000;

(b) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2001 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2002, and as apportioned to the taxing district for tax year 2001.

(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 44424  
section, as assessed by the tax commissioner for tax year 1999 had 44425  
the property been apportioned to the taxing district for tax year 44426  
2001, and assessed at the rates in effect for tax year 2001. 44427

(2) The difference in the value of current gas obtained by 44428  
subtracting the amount described in division (E)(2)(b) from the 44429  
amount described in division (E)(2)(a) of this section. 44430

(a) The three-year average assessed value of current gas as 44431  
assessed by the tax commissioner for tax years 1997, 1998, and 44432  
1999 on a preliminary assessment, or an amended preliminary 44433  
assessment if issued prior to March 1, 2001, and as apportioned in 44434  
the taxing district for those respective years; 44435

(b) The three-year average assessed value from current gas 44436  
under division (E)(2)(a) of this section for tax years 1997, 1998, 44437  
and 1999, as reflected in the preliminary assessment, using an 44438  
assessment rate of twenty-five per cent. 44439

(F) The tax commissioner may request that natural gas 44440  
companies, electric companies, and rural electric companies file a 44441  
report to help determine the tax value loss under divisions (D) 44442  
and (E) of this section. The report shall be filed within thirty 44443  
days of the commissioner's request. A company that fails to file 44444  
the report or does not timely file the report is subject to the 44445  
penalty in section 5727.60 of the Revised Code. 44446

(G) Not later than January 1, 2002, the tax commissioner 44447  
shall determine for each school district, joint vocational school 44448  
district, and local taxing unit its fixed-rate levy loss, which is 44449  
the sum of its electric company tax value loss multiplied by the 44450  
tax rate in effect in tax year 1998 for fixed-rate levies and its 44451  
natural gas company tax value loss multiplied by the tax rate in 44452  
effect in tax year 1999 for fixed-rate levies. 44453

(H) Not later than January 1, 2002, the tax commissioner 44454

shall determine for each school district, joint vocational school 44455  
district, and local taxing unit its fixed-sum levy loss, which is 44456  
the amount obtained by subtracting the amount described in 44457  
division (H)(2) of this section from the amount described in 44458  
division (H)(1) of this section: 44459

(1) The sum of the electric company tax value loss multiplied 44460  
by the tax rate in effect in tax year 1998, and the natural gas 44461  
company tax value loss multiplied by the tax rate in effect in tax 44462  
year 1999, for fixed-sum levies for all taxing districts within 44463  
each school district, joint vocational school district, and local 44464  
taxing unit. For the years 2002 through 2006, this computation 44465  
shall include school district emergency levies that existed in 44466  
1998 in the case of the electric company tax value loss, and 1999 44467  
in the case of the natural gas company tax value loss, and all 44468  
other fixed-sum levies that existed in 1998 in the case of the 44469  
electric company tax value loss and 1999 in the case of the 44470  
natural gas company tax value loss and continue to be charged in 44471  
the tax year preceding the distribution year. For the years 2007 44472  
through 2016 in the case of school district emergency levies, and 44473  
for all years after 2006 in the case of all other fixed-sum 44474  
levies, this computation shall exclude all fixed-sum levies that 44475  
existed in 1998 in the case of the electric company tax value loss 44476  
and 1999 in the case of the natural gas company tax value loss, 44477  
but are no longer in effect in the tax year preceding the 44478  
distribution year. For the purposes of this section, an emergency 44479  
levy that existed in 1998 in the case of the electric company tax 44480  
value loss, and 1999 in the case of the natural gas company tax 44481  
value loss, continues to exist in a year beginning on or after 44482  
January 1, 2007, but before January 1, 2017, if, in that year, the 44483  
board of education levies a school district emergency levy for an 44484  
annual sum at least equal to the annual sum levied by the board in 44485  
tax year 1998 or 1999, respectively, less the amount of the 44486  
payment certified under this division for 2002. 44487



(2) The total taxable value in tax year 1999 less the tax value loss in each school district, joint vocational school district, and local taxing unit multiplied by one-fourth of one mill.

If the amount computed under division (H) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the fixed-sum levy loss reimbursed pursuant to division (E) of section 5727.85 of the Revised Code or division (A)(2) of section 5727.86 of the Revised Code, and the one-fourth of one mill that is subtracted under division (H)(2) of this section shall be apportioned among all contributing fixed-sum levies in the proportion of each levy to the sum of all fixed-sum levies within each school district, joint vocational school district, or local taxing unit.

(I) Notwithstanding divisions (D), (E), (G), and (H) of this section, in computing the tax value loss, fixed-rate levy loss, and fixed-sum levy loss, the tax commissioner shall use the greater of the 1998 tax rate or the 1999 tax rate in the case of levy losses associated with the electric company tax value loss, but the 1999 tax rate shall not include for this purpose any tax levy approved by the voters after June 30, 1999, and the tax commissioner shall use the greater of the 1999 or the 2000 tax rate in the case of levy losses associated with the natural gas company tax value loss.

(J) Not later than January 1, 2002, the tax commissioner shall certify to the department of education the tax value loss determined under divisions (D) and (E) of this section for each taxing district, the fixed-rate levy loss calculated under division (G) of this section, and the fixed-sum levy loss calculated under division (H) of this section. The calculations under divisions (G) and (H) of this section shall separately

display the levy loss for each levy eligible for reimbursement. 44520

(K) Not later than September 1, 2001, the tax commissioner 44521  
shall certify the amount of the fixed-sum levy loss to the county 44522  
auditor of each county in which a school district with a fixed-sum 44523  
levy loss has territory. 44524

**Sec. 5727.85.** (A) By the thirty-first day of July of each 44525  
year, beginning in 2002 and ending in 2016, the department of 44526  
education shall determine the following for each school district 44527  
and each joint vocational school district eligible for payment 44528  
under division (C) or (D) of this section: 44529

(1) The state education aid offset, which is the difference 44530  
obtained by subtracting the amount described in division (A)(1)(b) 44531  
of this section from the amount described in division (A)(1)(a) of 44532  
this section: 44533

(a) The state education aid computed for the school district 44534  
or joint vocational school district for the current fiscal year as 44535  
of the thirty-first day of July; 44536

(b) The state education aid that would be computed for the 44537  
school district or joint vocational school district for the 44538  
current fiscal year as of the thirty-first day of July if the 44539  
recognized valuation included the tax value loss for the school 44540  
district or joint vocational school district. 44541

(2) The greater of zero or the difference obtained by 44542  
subtracting the state education aid offset determined under 44543  
division (A)(1) of this section from the fixed-rate levy loss 44544  
certified under division (J) of section 5727.84 of the Revised 44545  
Code for all taxing districts in each school district and joint 44546  
vocational school district. 44547

By the fifth day of August of each such year, the department 44548  
of education shall certify the amount so determined under division 44549

(A)(1) of this section to the director of budget and management. 44550

(B) Not later than the thirty-first day of October of the 44551  
years 2006 through 2016, the department of education shall 44552  
determine all of the following for each school district: 44553

(1) The amount obtained by subtracting the district's state 44554  
education aid computed for fiscal year 2002 from the district's 44555  
state education aid computed for the current fiscal year; 44556

(2) The inflation-adjusted property tax loss. The 44557  
inflation-adjusted property tax loss equals the fixed-rate levy 44558  
loss, excluding the tax loss from levies within the ten-mill 44559  
limitation to pay debt charges, determined under division (G) of 44560  
section 5727.84 of the Revised Code for all taxing districts in 44561  
each school district, plus the product obtained by multiplying 44562  
that loss by the cumulative percentage increase in the consumer 44563  
price index from January 1, 2002, to the thirtieth day of June of 44564  
the current year. 44565

(3) The difference obtained by subtracting the amount 44566  
computed under division (B)(1) from the amount of the 44567  
inflation-adjusted property tax loss. If this difference is zero 44568  
or a negative number, no further payments shall be made under 44569  
division (C) of this section to the school district from the 44570  
school district property tax replacement fund. 44571

(C) The department of education shall pay from the school 44572  
district property tax replacement fund to each school district all 44573  
of the following: 44574

(1) In February 2002, one-half of the fixed-rate levy loss 44575  
certified under division (J) of section 5727.84 of the Revised 44576  
Code between the twenty-first and twenty-eighth days of February. 44577

(2) From August 2002 through August 2017, one-half of the 44578  
amount calculated for that fiscal year under division (A)(2) of 44579  
this section between the twenty-first and twenty-eighth days of 44580

August and of February, provided the difference computed under 44581  
division (B)(3) of this section is not less than or equal to zero. 44582

For taxes levied within the ten-mill limitation for debt 44583  
purposes in tax year 1998 in the case of electric company tax 44584  
value losses, and in tax year 1999 in the case of natural gas 44585  
company tax value losses, payments shall be made equal to one 44586  
hundred per cent of the loss computed as if the tax were a 44587  
fixed-rate levy, but those payments shall extend from fiscal year 44588  
2006 through fiscal year 2016. 44589

The department of education shall report to each school 44590  
district the apportionment of the payments among the school 44591  
district's funds based on the certifications under division (J) of 44592  
section 5727.84 of the Revised Code. 44593

(D) Not later than January 1, 2002, for all taxing districts 44594  
in each joint vocational school district, the tax commissioner 44595  
shall certify to the department of education the fixed-rate levy 44596  
loss determined under division (G) of section 5727.84 of the 44597  
Revised Code. From February 2002 to August 2016, the department 44598  
shall pay from the school district property tax replacement fund 44599  
to the joint vocational school district one-half of the amount 44600  
calculated for that fiscal year under division (A)(2) of this 44601  
section between the twenty-first and twenty-eighth days of August 44602  
and of February. 44603

(E)(1) Not later than January 1, 2002, for each fixed-sum 44604  
levy levied by each school district or joint vocational school 44605  
district and for each year for which a determination is made under 44606  
division (H) of section 5727.84 of the Revised Code that a 44607  
fixed-sum levy loss is to be reimbursed, the tax commissioner 44608  
shall certify to the department of education the fixed-sum levy 44609  
loss determined under that division. The certification shall cover 44610  
a time period sufficient to include all fixed-sum levies for which 44611  
the tax commissioner made such a determination. The department 44612

shall pay from the school district property tax replacement fund 44613  
to the school district or joint vocational school district 44614  
one-half of the fixed-sum levy loss so certified for each year 44615  
between the twenty-first and twenty-eighth days of August and of 44616  
February. 44617

(2) Beginning in 2003, by the thirty-first day of January of 44618  
each year, the tax commissioner shall review the certification 44619  
originally made under division (E)(1) of this section. If the 44620  
commissioner determines that a debt levy that had been scheduled 44621  
to be reimbursed in the current year has expired, a revised 44622  
certification for that and all subsequent years shall be made to 44623  
the department of education. 44624

(F) If the balance of the half-mill equalization fund created 44625  
under section 3318.18 of the Revised Code is insufficient to make 44626  
the full amount of payments required under division (D) of that 44627  
section, the department of education, at the end of the third 44628  
quarter of the fiscal year, shall certify to the director of 44629  
budget and management the amount of the deficiency, and the 44630  
director shall transfer an amount equal to the deficiency from the 44631  
school district property tax replacement fund to the half-mill 44632  
equalization fund. 44633

(G) Beginning in August 2002, and ending in May 2017, the 44634  
director of budget and management shall transfer from the school 44635  
district property tax replacement fund to the general revenue fund 44636  
each of the following: 44637

(1) Between the twenty-eighth day of August and the fifth day 44638  
of September, the lesser of one-half of the amount certified for 44639  
that fiscal year under division (A)(2) of this section or the 44640  
balance in the school district property tax replacement fund; 44641

(2) Between the first and fifth days of May, the lesser of 44642  
one-half of the amount certified for that fiscal year under 44643

division (A)(2) of this section or the balance in the school 44644  
district property tax replacement fund. 44645

(H) On the first day of June each year, the director of 44646  
budget and management shall transfer any balance remaining in the 44647  
school district property tax replacement fund after the payments 44648  
have been made under divisions (C), (D), (E), (F), and (G) of this 44649  
section to the half-mill equalization fund created under section 44650  
3318.18 of the Revised Code to the extent required to make any 44651  
payments in the current fiscal year under that section, and shall 44652  
transfer the remaining balance to the general revenue fund. 44653

(I) From fiscal year 2002 through fiscal year 2016, if the 44654  
total amount in the school district property tax replacement fund 44655  
is insufficient to make all payments under divisions (C), (D), 44656  
(E), and (F) of this section at the time the payments are to be 44657  
made, the director of budget and management shall transfer from 44658  
the general revenue fund to the school district property tax 44659  
replacement fund the difference between the total amount to be 44660  
paid and the total amount in the school district property tax 44661  
replacement fund, except that no transfer shall be made by reason 44662  
of a deficiency to the extent that it results from the amendment 44663  
of section 5727.84 of the Revised Code by Amended Substitute House 44664  
Bill No. 95 of the 125th general assembly. 44665

(J) If all of the territory of a school district or joint 44666  
vocational school district is merged with an existing district, or 44667  
if a part of the territory of a school district or joint 44668  
vocational school district is transferred to an existing or new 44669  
district, the department of education, in consultation with the 44670  
tax commissioner, shall adjust the payments made under this 44671  
section as follows: 44672

(1) For the merger of all of the territory of two or more 44673  
districts, the fixed-rate levy loss and the fixed-sum levy loss of 44674  
the successor district shall be equal to the sum of the fixed-rate 44675

levy losses and the fixed-sum levy losses for each of the 44676  
districts involved in the merger. 44677

(2) For the transfer of a part of one district's territory to 44678  
an existing district, the amount of the fixed-rate levy loss that 44679  
is transferred to the recipient district shall be an amount equal 44680  
to the transferring district's total fixed-rate levy loss times a 44681  
fraction, the numerator of which is the value of electric company 44682  
tangible personal property located in the part of the territory 44683  
that was transferred, and the denominator of which is the total 44684  
value of electric company tangible personal property located in 44685  
the entire district from which the territory was transferred. The 44686  
value of electric company tangible personal property under this 44687  
division shall be determined for the most recent year for which 44688  
data is available. Fixed-sum levy losses for both districts shall 44689  
be determined under division (J)(4) of this section. 44690

(3) For the transfer of a part of the territory of one or 44691  
more districts to create a new district: 44692

(a) If the new district is created on or after January 1, 44693  
2000, but before January 1, 2005, the new district shall be paid 44694  
its current fixed-rate levy loss through August ~~2008~~ 2009. From 44695  
February ~~2009~~ 2010 to August 2016, the new district shall be paid 44696  
the lesser of: (i) the amount calculated under division (C)(2) of 44697  
this section or (ii) an amount equal to the new district's 44698  
fixed-rate levy loss multiplied by the percentage prescribed by 44699  
the following schedule: 44700

YEAR	PERCENTAGE	
<del>2009</del>	75%	44701
2010	70%	44702
2011	70%	44703
2012	60%	44704
2013	50%	44705
2014	40%	44706

2015	24%	44708
2016	11.5%	44709
2017 and thereafter	0%	44710

Fixed-sum levy losses for the districts shall be determined under division (J)(4) of this section. 44711  
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(b) If the new district is created on or after January 1, 2005, the new district shall be deemed not to have any fixed-rate levy loss or, except as provided in division (J)(4) of this section, fixed-sum levy loss. The district or districts from which the territory was transferred shall have no reduction in their fixed-rate levy loss, or, except as provided in division (J)(4) of this section, their fixed-sum levy loss. 44713  
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(4) If a recipient district under division (J)(2) of this section or a new district under division (J)(3)(a) or (b) of this section takes on debt from one or more of the districts from which territory was transferred, and any of the districts transferring the territory had fixed-sum levy losses, the department of education, in consultation with the tax commissioner, shall make an equitable division of the fixed-sum levy losses. 44720  
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(K) There is hereby created the public utility property tax study committee, effective January 1, 2011. The committee shall consist of the following seven members: the tax commissioner, three members of the senate appointed by the president of the senate, and three members of the house of representatives appointed by the speaker of the house of representatives. The appointments shall be made not later than January 31, 2011. The tax commissioner shall be the chairperson of the committee. 44727  
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The committee shall study the extent to which each school district or joint vocational school district has been compensated, under sections 5727.84 and 5727.85 of the Revised Code as enacted by Substitute Senate Bill No. 3 of the 123rd general assembly and any subsequent acts, for the property tax loss caused by the 44735  
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reduction in the assessment rates for natural gas, electric, and 44740  
rural electric company tangible personal property. Not later than 44741  
June 30, 2011, the committee shall issue a report of its findings, 44742  
including any recommendations for providing additional 44743  
compensation for the property tax loss or regarding remedial 44744  
legislation, to the president of the senate and the speaker of the 44745  
house of representatives, at which time the committee shall cease 44746  
to exist. 44747

The department of taxation and department of education shall 44748  
provide such information and assistance as is required for the 44749  
committee to carry out its duties. 44750

**Sec. 5727.87.** (A) As used in this section: 44751

(1) "Administrative fees" means the dollar percentages 44752  
allowed by the county auditor for services or by the county 44753  
treasurer as fees, or paid to the credit of the real estate 44754  
assessment fund, under divisions (A) and ~~(B)~~(C) of section 319.54 44755  
and division (A) of section 321.26 of the Revised Code. 44756

(2) "Administrative fee loss" means a county's loss of 44757  
administrative fees due to its tax value loss, determined as 44758  
follows: 44759

(a) For purposes of the determination made under division (B) 44760  
of this section in the years 2002 through 2006, the administrative 44761  
fee loss shall be computed by multiplying the amounts determined 44762  
for all taxing districts in the county under divisions (G) and (H) 44763  
of section 5727.84 of the Revised Code by nine thousand six 44764  
hundred fifty-nine ten-thousandths of one per cent if total taxes 44765  
collected in the county in 1999 exceeded one hundred fifty million 44766  
dollars, or one and one thousand one hundred fifty-nine 44767  
ten-thousandths of one per cent if total taxes collected in the 44768  
county in 1999 were one hundred fifty million dollars or less; 44769

(b) For purposes of the determination under division (B) of 44770  
this section in the years 2007 through 2011, the administrative 44771  
fee loss shall be the lesser of the amount computed under division 44772  
(A)(2)(a) of this section or the amount determined by subtracting 44773  
from the dollar amount of administrative fees collected in the 44774  
county in 1999, the dollar amount of administrative fees collected 44775  
in the county in the current calendar year. 44776

(3) "Total taxes collected" means all money collected on any 44777  
tax duplicate of the county, other than the estate tax duplicates. 44778  
"Total taxes collected" does not include amounts received pursuant 44779  
to divisions (F) and (G) of section 321.24 or section 323.156 of 44780  
the Revised Code. 44781

(B) Not later than the thirty-first day of December of 2001 44782  
through 2005, the tax commissioner shall certify to each county 44783  
auditor the tax levy losses calculated under divisions (G) and (H) 44784  
of section 5727.84 of the Revised Code for each school district, 44785  
joint vocational school district, and local taxing unit in the 44786  
county. Not later than the thirty-first day of January of 2002 44787  
through 2011, the county auditor shall determine the 44788  
administrative fee loss for the county and apportion that loss 44789  
ratably among the school districts, joint vocational school 44790  
districts, and local taxing units on the basis of the tax levy 44791  
losses certified under this division. 44792

(C) On or before each of the days prescribed for the 44793  
settlements under divisions (A) and (C) of section 321.24 of the 44794  
Revised Code in the years 2002 through 2011, the county treasurer 44795  
shall deduct one-half of the amount apportioned to each school 44796  
district, joint vocational school district, and local taxing unit 44797  
from the portions of revenue payable to them. 44798

(D) On or before each of the days prescribed for settlements 44799  
under divisions (A) and (C) of section 321.24 of the Revised Code 44800  
in the years 2002 through 2011, the county auditor shall cause to 44801

be deposited an amount equal to one-half of the amount of the 44802  
administrative fee loss in the same funds as if allowed as 44803  
administrative fees. 44804

After payment of the administrative fee loss on or before 44805  
August 10, 2011, all payments under this section shall cease. 44806

**Sec. 5733.01.** (A) The tax provided by this chapter for 44807  
domestic corporations shall be the amount charged against each 44808  
corporation organized for profit under the laws of this state and 44809  
each nonprofit corporation organized pursuant to Chapter 1729. of 44810  
the Revised Code, except as provided in sections 5733.09 and 44811  
5733.10 of the Revised Code, for the privilege of exercising its 44812  
franchise during the calendar year in which that amount is 44813  
payable, and the tax provided by this chapter for foreign 44814  
corporations shall be the amount charged against each corporation 44815  
organized for profit and each nonprofit corporation organized or 44816  
operating in the same or similar manner as nonprofit corporations 44817  
organized under Chapter 1729. of the Revised Code, under the laws 44818  
of any state or country other than this state, except as provided 44819  
in sections 5733.09 and 5733.10 of the Revised Code, for the 44820  
privilege of doing business in this state, owning or using a part 44821  
or all of its capital or property in this state, holding a 44822  
certificate of compliance with the laws of this state authorizing 44823  
it to do business in this state, or otherwise having nexus in or 44824  
with this state under the Constitution of the United States, 44825  
during the calendar year in which that amount is payable. 44826

(B) A corporation is subject to the tax imposed by section 44827  
5733.06 of the Revised Code for each calendar year that it is so 44828  
organized, doing business, owning or using a part or all of its 44829  
capital or property, holding a certificate of compliance, or 44830  
otherwise having nexus in or with this state under the 44831  
Constitution of the United States, on the first day of January of 44832

that calendar year. 44833

(C) Any corporation subject to this chapter that is not 44834  
subject to the federal income tax shall file its returns and 44835  
compute its tax liability as required by this chapter in the same 44836  
manner as if that corporation were subject to the federal income 44837  
tax. 44838

(D) For purposes of this chapter, a federally chartered 44839  
financial institution shall be deemed to be organized under the 44840  
laws of the state within which its principal office is located. 44841

(E) For purposes of this chapter, any person, as defined in 44842  
section 5701.01 of the Revised Code, shall be treated as a 44843  
corporation if the person is classified for federal income tax 44844  
purposes as an association taxable as a corporation, and an equity 44845  
interest in the person shall be treated as capital stock of the 44846  
person. 44847

(F) For the purposes of this chapter, "disregarded entity" 44848  
has the same meaning as in division (D) of section 5745.01 of the 44849  
Revised Code. 44850

(1) A person's interest in a disregarded entity, whether held 44851  
directly or indirectly, shall be treated as the person's ownership 44852  
of the assets and liabilities of the disregarded entity, and the 44853  
income, including gain or loss, shall be included in the person's 44854  
net income under this chapter. 44855

(2) Any sale, exchange, or other disposition of the person's 44856  
interest in the disregarded entity, whether held directly or 44857  
indirectly, shall be treated as a sale, exchange, or other 44858  
disposition of the person's share of the disregarded entity's 44859  
underlying assets or liabilities, and the gain or loss from such 44860  
sale, exchange, or disposition shall be included in the person's 44861  
net income under this chapter. 44862

(3) The disregarded entity's payroll, property, and sales 44863

factors shall be included in the person's factors. 44864

(G) The tax a corporation is required to pay under this 44865  
chapter shall be as follows: 44866

(1)(a) For financial institutions, the greater of the minimum 44867  
payment required under division (E) of section 5733.06 of the 44868  
Revised Code or the difference between all taxes charged the 44869  
financial institution under this chapter, without regard to 44870  
division (G)(2) of this section, less any credits allowable 44871  
against such tax. 44872

(b) A corporation satisfying the description in division 44873  
(E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised 44874  
Code that is not a financial institution, insurance company, or 44875  
dealer in intangibles is subject to the taxes imposed under this 44876  
chapter as a corporation and not subject to tax as a financial 44877  
institution, and shall pay the greater of the minimum payment 44878  
required under division (E) of section 5733.06 of the Revised Code 44879  
or the difference between all the taxes charged under this 44880  
chapter, without regard to division (G)(2) of this section, less 44881  
any credits allowable against such tax. 44882

(2) For all corporations other than those persons described 44883  
in division (G)(1)(a) or (b) of this section, the amount under 44884  
division (G)(2)(a) of this section applicable to the tax year 44885  
specified less the amount under division (G)(2)(b) of this 44886  
section: 44887

(a)(i) For tax year 2005, the greater of the minimum payment 44888  
required under division (E) of section 5733.06 of the Revised Code 44889  
or the difference between all taxes charged the corporation under 44890  
this chapter and any credits allowable against such tax; 44891

(ii) For tax year 2006, the greater of the minimum payment 44892  
required under division (E) of section 5733.06 of the Revised Code 44893  
or four-fifths of the difference between all taxes charged the 44894

corporation under this chapter and any credits allowable against 44895  
such tax, except the qualifying pass-through entity tax credit 44896  
described in division (A)(29) and the refundable credits described 44897  
in divisions (A)(30) to ~~(34)~~(35) of section 5733.98 of the Revised 44898  
Code; 44899

(iii) For tax year 2007, the greater of the minimum payment 44900  
required under division (E) of section 5733.06 of the Revised Code 44901  
or three-fifths of the difference between all taxes charged the 44902  
corporation under this chapter and any credits allowable against 44903  
such tax, except the qualifying pass-through entity tax credit 44904  
described in division (A)(29) and the refundable credits described 44905  
in divisions (A)(30) to ~~(34)~~(35) of section 5733.98 of the Revised 44906  
Code; 44907

(iv) For tax year 2008, the greater of the minimum payment 44908  
required under division (E) of section 5733.06 of the Revised Code 44909  
or two-fifths of the difference between all taxes charged the 44910  
corporation under this chapter and any credits allowable against 44911  
such tax, except the qualifying pass-through entity tax credit 44912  
described in division (A)(29) and the refundable credits described 44913  
in divisions (A)(30) to ~~(34)~~(35) of section 5733.98 of the Revised 44914  
Code; 44915

(v) For tax year 2009, the greater of the minimum payment 44916  
required under division (E) of section 5733.06 of the Revised Code 44917  
or one-fifth of the difference between all taxes charged the 44918  
corporation under this chapter and any credits allowable against 44919  
such tax, except the qualifying pass-through entity tax credit 44920  
described in division (A)(29) and the refundable credits described 44921  
in divisions (A)(30), (31), (32), ~~and (33)~~, and (35) of section 44922  
5733.98 of the Revised Code; 44923

(vi) For tax year 2010 and each tax year thereafter, no tax. 44924

(b) A corporation shall subtract from the amount calculated 44925

under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section 44926  
any qualifying pass-through entity tax credit described in 44927  
division (A)(29) and any refundable credits described in divisions 44928  
(A)(30) to ~~(34)~~(35) of section 5733.98 of the Revised Code to 44929  
which the corporation is entitled. Any unused qualifying 44930  
pass-through entity tax credit is not refundable. 44931

(c) For the purposes of computing the amount of a credit that 44932  
may be carried forward to a subsequent tax year under division 44933  
(G)(2) of this section, a credit is utilized against the tax for a 44934  
tax year to the extent the credit applies against the tax for that 44935  
tax year, even if the difference is then multiplied by the 44936  
applicable fraction under division (G)(2)(a) of this section. 44937

(3) Nothing in division (G) of this section eliminates or 44938  
reduces the tax imposed by section 5733.41 of the Revised Code on 44939  
a qualifying pass-through entity. 44940

**Sec. 5733.12.** (A) ~~Four and two tenths per cent of all~~ All 44941  
payments received from the taxes imposed under sections 5733.06 44942  
and 5733.41 of the Revised Code shall be credited to ~~the local~~ 44943  
~~government fund for distribution in accordance with section~~ 44944  
~~5747.50 of the Revised Code, six tenths of one per cent shall be~~ 44945  
~~credited to the local government revenue assistance fund for~~ 44946  
~~distribution in accordance with section 5747.61 of the Revised~~ 44947  
~~Code, and ninety five and two tenths per cent shall be credited to~~ 44948  
the general revenue fund. 44949

(B) Except as otherwise provided under divisions (C) and (D) 44950  
of this section, an application to refund to the corporation the 44951  
amount of taxes imposed under section 5733.06 of the Revised Code 44952  
that are overpaid, paid illegally or erroneously, or paid on any 44953  
illegal, erroneous, or excessive assessment, with interest thereon 44954  
as provided by section 5733.26 of the Revised Code, shall be filed 44955  
with the tax commissioner, on the form prescribed by the 44956

commissioner, within three years from the date of the illegal, 44957  
erroneous, or excessive payment of the tax, or within any 44958  
additional period allowed by division (C)(2) of section 5733.031, 44959  
division (D)(2) of section 5733.067, or division (A) of section 44960  
5733.11 of the Revised Code. For purposes of division (B) of this 44961  
section, any payment that the applicant made before the due date 44962  
or extended due date for filing the report to which the payment 44963  
relates shall be deemed to have been made on the due date or 44964  
extended due date. 44965

On the filing of the refund application, the commissioner 44966  
shall determine the amount of refund to which the applicant is 44967  
entitled. If the amount is not less than that claimed the 44968  
commissioner shall certify the amount to the director of budget 44969  
and management and treasurer of state for payment from the tax 44970  
refund fund created by section 5703.052 of the Revised Code. If 44971  
the amount is less than that claimed, the commissioner shall 44972  
proceed in accordance with section 5703.70 of the Revised Code. 44973

(C) "Ninety days" shall be substituted for "three years" in 44974  
division (B) of this section if the taxpayer satisfies both of the 44975  
following: 44976

(1) The taxpayer has applied for a refund based in whole or 44977  
in part upon section 5733.0611 of the Revised Code; 44978

(2) The taxpayer asserts that the imposition or collection of 44979  
the tax imposed or charged by section 5733.06 of the Revised Code 44980  
or any portion of such tax violates the Constitution of the United 44981  
States or the Constitution of this state. 44982

(D)(1) Division (D)(2) of this section applies only if all of 44983  
the following conditions are satisfied: 44984

(a) A qualifying pass-through entity pays an amount of the 44985  
tax imposed by section 5733.41 of the Revised Code; 44986

(b) The taxpayer is a qualifying investor as to that 44987



qualifying pass-through entity; 44988

(c) The taxpayer did not claim the credit provided for in 44989  
section 5733.0611 of the Revised Code as to the tax described in 44990  
division (D)(1)(a) of this section; 44991

(d) The three-year period described in division (B) of this 44992  
section has ended as to the taxable year for which the taxpayer 44993  
otherwise would have claimed that credit. 44994

(2) A taxpayer shall file an application for refund pursuant 44995  
to this division within one year after the date the payment 44996  
described in division (D)(1)(a) of this section is made. An 44997  
application filed under this division shall only claim refund of 44998  
overpayments resulting from the taxpayer's failure to claim the 44999  
credit described in division (D)(1)(c) of this section. Nothing in 45000  
this division shall be construed to relieve a taxpayer from 45001  
complying with the provisions of division (I)(14) of section 45002  
5733.04 of the Revised Code. 45003

Sec. 5733.48. (A) As used in this section, "alternative 45004  
fuel," "retail dealer," and "retail service station" have the same 45005  
meanings as in section 5747.77 of the Revised Code. 45006

(B) There is hereby allowed a refundable credit against the 45007  
tax imposed by section 5733.06 of the Revised Code for a retail 45008  
dealer that sells alternative fuel. The credit may be claimed for 45009  
tax years 2008 and 2009. The credit for tax year 2008 shall equal 45010  
fifteen cents per gallon of alternative fuel sold and dispensed 45011  
through a metered pump at the retail dealer's retail service 45012  
station during any part of calendar year 2007 that is included in 45013  
the dealer's taxable year ending in 2007. The credit for tax year 45014  
2009 shall equal fifteen cents per gallon of alternative fuel sold 45015  
and dispensed through a metered pump at the retail dealer's retail 45016  
service station during any part of calendar year 2007 that is 45017  
included in the dealer's taxable year ending in 2008, plus 45018

thirteen cents per gallon of alternative fuel sold and dispensed 45019  
in that manner during any part of calendar year 2008 that is 45020  
included in that taxable year. The credit shall be calculated 45021  
separately for each retail service station owned or operated by 45022  
the retail dealer. 45023

(C) The retail dealer shall claim the credit under this 45024  
section in the order prescribed in section 5733.98 of the Revised 45025  
Code. If the amount of the credit exceeds the amount of tax 45026  
otherwise due under section 5733.06 of the Revised Code, after 45027  
deducting all other credits that precede the credit allowed under 45028  
this section in that order, the excess shall be refunded to the 45029  
retail dealer. 45030

**Sec. 5733.98.** (A) To provide a uniform procedure for 45031  
calculating the amount of tax imposed by section 5733.06 of the 45032  
Revised Code that is due under this chapter, a taxpayer shall 45033  
claim any credits to which it is entitled in the following order, 45034  
except as otherwise provided in section 5733.058 of the Revised 45035  
Code: 45036

(1) For tax year 2005, the credit for taxes paid by a 45037  
qualifying pass-through entity allowed under section 5733.0611 of 45038  
the Revised Code; 45039

(2) The credit allowed for financial institutions under 45040  
section 5733.45 of the Revised Code; 45041

(3) The credit for qualifying affiliated groups under section 45042  
5733.068 of the Revised Code; 45043

(4) The subsidiary corporation credit under section 5733.067 45044  
of the Revised Code; 45045

(5) The savings and loan assessment credit under section 45046  
5733.063 of the Revised Code; 45047

(6) The credit for recycling and litter prevention donations 45048

under section 5733.064 of the Revised Code;	45049
(7) The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;	45050 45051
(8) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;	45052 45053
(9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;	45054 45055
(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	45056 45057
(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;	45058 45059
(12) The credit for purchases of new manufacturing machinery and equipment under section 5733.31 or section 5733.311 of the Revised Code;	45060 45061 45062
(13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	45063 45064
(14) The job training credit under section 5733.42 of the Revised Code;	45065 45066
(15) The credit for qualified research expenses under section 5733.351 of the Revised Code;	45067 45068
(16) The enterprise zone credit under section 5709.66 of the Revised Code;	45069 45070
(17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	45071 45072
(18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	45073 45074
(19) The ethanol plant investment credit under section 5733.46 of the Revised Code;	45075 45076
(20) The credit for purchases of qualifying grape production	45077

property under section 5733.32 of the Revised Code;	45078
(21) The export sales credit under section 5733.069 of the Revised Code;	45079 45080
(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	45081 45082
(23) The enterprise zone credits under section 5709.65 of the Revised Code;	45083 45084
(24) The credit for using Ohio coal under section 5733.39 of the Revised Code;	45085 45086
(25) The credit for small telephone companies under section 5733.57 of the Revised Code;	45087 45088
(26) The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	45089 45090
(27) For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;	45091 45092 45093
(28) The research and development credit under section 5733.352 of the Revised Code;	45094 45095
(29) For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	45096 45097 45098
(30) The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	45099 45100
(31) The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;	45101 45102
(32) The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	45103 45104
(33) The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital	45105 45106

program under sections 150.01 to 150.10 of the Revised Code; 45107

(34) For tax years 2006, 2007, and 2008, the refundable 45108  
credit allowable under division (B) of section 5733.56 of the 45109  
Revised Code; 45110

(35) For tax years 2008 and 2009, the refundable credit for 45111  
selling alternative fuel under section 5733.48 of the Revised 45112  
Code. 45113

(B) For any credit except the credits enumerated in divisions 45114  
(A)(30) to ~~(34)~~(35) of this section, the amount of the credit for 45115  
a tax year shall not exceed the tax due after allowing for any 45116  
other credit that precedes it in the order required under this 45117  
section. Any excess amount of a particular credit may be carried 45118  
forward if authorized under the section creating that credit. 45119

**Sec. 5739.02.** For the purpose of providing revenue with which 45120  
to meet the needs of the state, for the use of the general revenue 45121  
fund of the state, for the purpose of securing a thorough and 45122  
efficient system of common schools throughout the state, for the 45123  
purpose of affording revenues, in addition to those from general 45124  
property taxes, permitted under constitutional limitations, and 45125  
from other sources, for the support of local governmental 45126  
functions, and for the purpose of reimbursing the state for the 45127  
expense of administering this chapter, an excise tax is hereby 45128  
levied on each retail sale made in this state. 45129

(A)(1) The tax shall be collected as provided in section 45130  
5739.025 of the Revised Code, provided that on and after July 1, 45131  
2003, and on or before June 30, 2005, the rate of tax shall be six 45132  
per cent. On and after July 1, 2005, the rate of the tax shall be 45133  
five and one-half per cent. The tax applies and is collectible 45134  
when the sale is made, regardless of the time when the price is 45135  
paid or delivered. 45136

(2) In the case of the lease or rental, with a fixed term of 45137  
more than thirty days or an indefinite term with a minimum period 45138  
of more than thirty days, of any motor vehicles designed by the 45139  
manufacturer to carry a load of not more than one ton, watercraft, 45140  
outboard motor, or aircraft, or of any tangible personal property, 45141  
other than motor vehicles designed by the manufacturer to carry a 45142  
load of more than one ton, to be used by the lessee or renter 45143  
primarily for business purposes, the tax shall be collected by the 45144  
vendor at the time the lease or rental is consummated and shall be 45145  
calculated by the vendor on the basis of the total amount to be 45146  
paid by the lessee or renter under the lease agreement. If the 45147  
total amount of the consideration for the lease or rental includes 45148  
amounts that are not calculated at the time the lease or rental is 45149  
executed, the tax shall be calculated and collected by the vendor 45150  
at the time such amounts are billed to the lessee or renter. In 45151  
the case of an open-end lease or rental, the tax shall be 45152  
calculated by the vendor on the basis of the total amount to be 45153  
paid during the initial fixed term of the lease or rental, and for 45154  
each subsequent renewal period as it comes due. As used in this 45155  
division, "motor vehicle" has the same meaning as in section 45156  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 45157  
unit attached to the watercraft. 45158

A lease with a renewal clause and a termination penalty or 45159  
similar provision that applies if the renewal clause is not 45160  
exercised is presumed to be a sham transaction. In such a case, 45161  
the tax shall be calculated and paid on the basis of the entire 45162  
length of the lease period, including any renewal periods, until 45163  
the termination penalty or similar provision no longer applies. 45164  
The taxpayer shall bear the burden, by a preponderance of the 45165  
evidence, that the transaction or series of transactions is not a 45166  
sham transaction. 45167

(3) Except as provided in division (A)(2) of this section, in 45168

the case of a sale, the price of which consists in whole or in 45169  
part of the lease or rental of tangible personal property, the tax 45170  
shall be measured by the installments of that lease or rental. 45171

(4) In the case of a sale of a physical fitness facility 45172  
service or recreation and sports club service, the price of which 45173  
consists in whole or in part of a membership for the receipt of 45174  
the benefit of the service, the tax applicable to the sale shall 45175  
be measured by the installments thereof. 45176

(B) The tax does not apply to the following: 45177

(1) Sales to the state or any of its political subdivisions, 45178  
or to any other state or its political subdivisions if the laws of 45179  
that state exempt from taxation sales made to this state and its 45180  
political subdivisions; 45181

(2) Sales of food for human consumption off the premises 45182  
where sold; 45183

(3) Sales of food sold to students only in a cafeteria, 45184  
dormitory, fraternity, or sorority maintained in a private, 45185  
public, or parochial school, college, or university; 45186

(4) Sales of newspapers and of magazine subscriptions and 45187  
sales or transfers of magazines distributed as controlled 45188  
circulation publications; 45189

(5) The furnishing, preparing, or serving of meals without 45190  
charge by an employer to an employee provided the employer records 45191  
the meals as part compensation for services performed or work 45192  
done; 45193

(6) Sales of motor fuel upon receipt, use, distribution, or 45194  
sale of which in this state a tax is imposed by the law of this 45195  
state, but this exemption shall not apply to the sale of motor 45196  
fuel on which a refund of the tax is allowable under division (A) 45197  
of section 5735.14 of the Revised Code; and the tax commissioner 45198

may deduct the amount of tax levied by this section applicable to 45199  
the price of motor fuel when granting a refund of motor fuel tax 45200  
pursuant to division (A) of section 5735.14 of the Revised Code 45201  
and shall cause the amount deducted to be paid into the general 45202  
revenue fund of this state; 45203

(7) Sales of natural gas by a natural gas company, of water 45204  
by a water-works company, or of steam by a heating company, if in 45205  
each case the thing sold is delivered to consumers through pipes 45206  
or conduits, and all sales of communications services by a 45207  
telegraph company, all terms as defined in section 5727.01 of the 45208  
Revised Code, and sales of electricity delivered through wires; 45209

(8) Casual sales by a person, or auctioneer employed directly 45210  
by the person to conduct such sales, except as to such sales of 45211  
motor vehicles, watercraft or outboard motors required to be 45212  
titled under section 1548.06 of the Revised Code, watercraft 45213  
documented with the United States coast guard, snowmobiles, and 45214  
all-purpose vehicles as defined in section 4519.01 of the Revised 45215  
Code; 45216

(9)(a) Sales of services or tangible personal property, other 45217  
than motor vehicles, mobile homes, and manufactured homes, by 45218  
churches, organizations exempt from taxation under section 45219  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 45220  
organizations operated exclusively for charitable purposes as 45221  
defined in division (B)(12) of this section, provided that the 45222  
number of days on which such tangible personal property or 45223  
services, other than items never subject to the tax, are sold does 45224  
not exceed six in any calendar year, except as otherwise provided 45225  
in division (B)(9)(b) of this section. If the number of days on 45226  
which such sales are made exceeds six in any calendar year, the 45227  
church or organization shall be considered to be engaged in 45228  
business and all subsequent sales by it shall be subject to the 45229  
tax. In counting the number of days, all sales by groups within a 45230



church or within an organization shall be considered to be sales 45231  
of that church or organization, ~~except that,~~ 45232

(b) The limitation on the number of days on which tax-exempt 45233  
sales may be made by a church or organization under division 45234  
(B)(9)(a) of this section does not apply to sales made by separate 45235  
student clubs and other groups of students of a primary or 45236  
secondary school, ~~and sales made by or~~ a parent-teacher 45237  
association, booster group, or similar organization that raises 45238  
money to support or fund curricular or extracurricular activities 45239  
of a primary or secondary school, ~~shall not be considered to be~~ 45240  
~~sales of such school, and sales by each such club, group,~~ 45241  
~~association, or organization shall be counted separately for~~ 45242  
~~purposes of the six day limitation. This division does,~~ 45243

(c) Divisions (B)(9)(a) and (b) of this section do not apply 45244  
to sales by a noncommercial educational radio or television 45245  
broadcasting station. 45246

(10) Sales not within the taxing power of this state under 45247  
the Constitution of the United States; 45248

(11) Except for transactions that are sales under division 45249  
(B)(3)(r) of section 5739.01 of the Revised Code, the 45250  
transportation of persons or property, unless the transportation 45251  
is by a private investigation and security service; 45252

(12) Sales of tangible personal property or services to 45253  
churches, to organizations exempt from taxation under section 45254  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 45255  
nonprofit organizations operated exclusively for charitable 45256  
purposes in this state, no part of the net income of which inures 45257  
to the benefit of any private shareholder or individual, and no 45258  
substantial part of the activities of which consists of carrying 45259  
on propaganda or otherwise attempting to influence legislation; 45260  
sales to offices administering one or more homes for the aged or 45261

one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the operation of a parent-teacher association, booster group, or similar organization primarily engaged in the promotion and support of the curricular or extracurricular activities of a primary or secondary school; the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; the production of performances in music, dramatics, and the arts; or the promotion of education by an organization engaged in carrying on research in, or the dissemination of, scientific and technological knowledge and information primarily for the public.

Nothing in this division shall be deemed to exempt sales to any organization for use in the operation or carrying on of a trade or business, or sales to a home for the aged for use in the operation of independent living facilities as defined in division

(A) of section 5709.12 of the Revised Code. 45294

(13) Building and construction materials and services sold to 45295  
construction contractors for incorporation into a structure or 45296  
improvement to real property under a construction contract with 45297  
this state or a political subdivision of this state, or with the 45298  
United States government or any of its agencies; building and 45299  
construction materials and services sold to construction 45300  
contractors for incorporation into a structure or improvement to 45301  
real property that are accepted for ownership by this state or any 45302  
of its political subdivisions, or by the United States government 45303  
or any of its agencies at the time of completion of the structures 45304  
or improvements; building and construction materials sold to 45305  
construction contractors for incorporation into a horticulture 45306  
structure or livestock structure for a person engaged in the 45307  
business of horticulture or producing livestock; building 45308  
materials and services sold to a construction contractor for 45309  
incorporation into a house of public worship or religious 45310  
education, or a building used exclusively for charitable purposes 45311  
under a construction contract with an organization whose purpose 45312  
is as described in division (B)(12) of this section; building 45313  
materials and services sold to a construction contractor for 45314  
incorporation into a building under a construction contract with 45315  
an organization exempt from taxation under section 501(c)(3) of 45316  
the Internal Revenue Code of 1986 when the building is to be used 45317  
exclusively for the organization's exempt purposes; building and 45318  
construction materials sold for incorporation into the original 45319  
construction of a sports facility under section 307.696 of the 45320  
Revised Code; and building and construction materials and services 45321  
sold to a construction contractor for incorporation into real 45322  
property outside this state if such materials and services, when 45323  
sold to a construction contractor in the state in which the real 45324  
property is located for incorporation into real property in that 45325  
state, would be exempt from a tax on sales levied by that state; 45326

(14) Sales of ships or vessels or rail rolling stock used or 45327  
to be used principally in interstate or foreign commerce, and 45328  
repairs, alterations, fuel, and lubricants for such ships or 45329  
vessels or rail rolling stock; 45330

(15) Sales to persons primarily engaged in any of the 45331  
activities mentioned in division (B)(42)(a) or (g) of this 45332  
section, to persons engaged in making retail sales, or to persons 45333  
who purchase for sale from a manufacturer tangible personal 45334  
property that was produced by the manufacturer in accordance with 45335  
specific designs provided by the purchaser, of packages, including 45336  
material, labels, and parts for packages, and of machinery, 45337  
equipment, and material for use primarily in packaging tangible 45338  
personal property produced for sale, including any machinery, 45339  
equipment, and supplies used to make labels or packages, to 45340  
prepare packages or products for labeling, or to label packages or 45341  
products, by or on the order of the person doing the packaging, or 45342  
sold at retail. "Packages" includes bags, baskets, cartons, 45343  
crates, boxes, cans, bottles, bindings, wrappings, and other 45344  
similar devices and containers, but does not include motor 45345  
vehicles or bulk tanks, trailers, or similar devices attached to 45346  
motor vehicles. "Packaging" means placing in a package. Division 45347  
(B)(15) of this section does not apply to persons engaged in 45348  
highway transportation for hire. 45349

(16) Sales of food to persons using food stamp benefits to 45350  
purchase the food. As used in this division, "food" has the same 45351  
meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 45352  
2012, as amended, and federal regulations adopted pursuant to that 45353  
act. 45354

(17) Sales to persons engaged in farming, agriculture, 45355  
horticulture, or floriculture, of tangible personal property for 45356  
use or consumption directly in the production by farming, 45357  
agriculture, horticulture, or floriculture of other tangible 45358

personal property for use or consumption directly in the 45359  
production of tangible personal property for sale by farming, 45360  
agriculture, horticulture, or floriculture; or material and parts 45361  
for incorporation into any such tangible personal property for use 45362  
or consumption in production; and of tangible personal property 45363  
for such use or consumption in the conditioning or holding of 45364  
products produced by and for such use, consumption, or sale by 45365  
persons engaged in farming, agriculture, horticulture, or 45366  
floriculture, except where such property is incorporated into real 45367  
property; 45368

(18) Sales of drugs for a human being that may be dispensed 45369  
only pursuant to a prescription; insulin as recognized in the 45370  
official United States pharmacopoeia; urine and blood testing 45371  
materials when used by diabetics or persons with hypoglycemia to 45372  
test for glucose or acetone; hypodermic syringes and needles when 45373  
used by diabetics for insulin injections; epoetin alfa when 45374  
purchased for use in the treatment of persons with medical 45375  
disease; hospital beds when purchased by hospitals, nursing homes, 45376  
or other medical facilities; and medical oxygen and medical 45377  
oxygen-dispensing equipment when purchased by hospitals, nursing 45378  
homes, or other medical facilities; 45379

(19) Sales of prosthetic devices, durable medical equipment 45380  
for home use, or mobility enhancing equipment, when made pursuant 45381  
to a prescription and when such devices or equipment are for use 45382  
by a human being. 45383

(20) Sales of emergency and fire protection vehicles and 45384  
equipment to nonprofit organizations for use solely in providing 45385  
fire protection and emergency services, including trauma care and 45386  
emergency medical services, for political subdivisions of the 45387  
state; 45388

(21) Sales of tangible personal property manufactured in this 45389  
state, if sold by the manufacturer in this state to a retailer for 45390

use in the retail business of the retailer outside of this state 45391  
and if possession is taken from the manufacturer by the purchaser 45392  
within this state for the sole purpose of immediately removing the 45393  
same from this state in a vehicle owned by the purchaser; 45394

(22) Sales of services provided by the state or any of its 45395  
political subdivisions, agencies, instrumentalities, institutions, 45396  
or authorities, or by governmental entities of the state or any of 45397  
its political subdivisions, agencies, instrumentalities, 45398  
institutions, or authorities; 45399

(23) Sales of motor vehicles to nonresidents of this state 45400  
~~upon the presentation of an affidavit executed in this state by~~ 45401  
~~the nonresident purchaser affirming that the purchaser is a~~ 45402  
~~nonresident of this state, that possession of the motor vehicle is~~ 45403  
~~taken in this state for the sole purpose of immediately removing~~ 45404  
~~it from this state, that the motor vehicle will be permanently~~ 45405  
~~titled and registered in another state, and that the motor vehicle~~ 45406  
~~will not be used in this state under the circumstances described~~ 45407  
~~in division (B) of section 5739.029 of the Revised Code;~~ 45408

(24) Sales to persons engaged in the preparation of eggs for 45409  
sale of tangible personal property used or consumed directly in 45410  
such preparation, including such tangible personal property used 45411  
for cleaning, sanitizing, preserving, grading, sorting, and 45412  
classifying by size; packages, including material and parts for 45413  
packages, and machinery, equipment, and material for use in 45414  
packaging eggs for sale; and handling and transportation equipment 45415  
and parts therefor, except motor vehicles licensed to operate on 45416  
public highways, used in intraplant or interplant transfers or 45417  
shipment of eggs in the process of preparation for sale, when the 45418  
plant or plants within or between which such transfers or 45419  
shipments occur are operated by the same person. "Packages" 45420  
includes containers, cases, baskets, flats, fillers, filler flats, 45421  
cartons, closure materials, labels, and labeling materials, and 45422

"packaging" means placing therein.	45423
(25)(a) Sales of water to a consumer for residential use,	45424
except the sale of bottled water, distilled water, mineral water,	45425
carbonated water, or ice;	45426
(b) Sales of water by a nonprofit corporation engaged	45427
exclusively in the treatment, distribution, and sale of water to	45428
consumers, if such water is delivered to consumers through pipes	45429
or tubing.	45430
(26) Fees charged for inspection or reinspection of motor	45431
vehicles under section 3704.14 of the Revised Code;	45432
(27) Sales to persons licensed to conduct a food service	45433
operation pursuant to section 3717.43 of the Revised Code, of	45434
tangible personal property primarily used directly for the	45435
following:	45436
(a) To prepare food for human consumption for sale;	45437
(b) To preserve food that has been or will be prepared for	45438
human consumption for sale by the food service operator, not	45439
including tangible personal property used to display food for	45440
selection by the consumer;	45441
(c) To clean tangible personal property used to prepare or	45442
serve food for human consumption for sale.	45443
(28) Sales of animals by nonprofit animal adoption services	45444
or county humane societies;	45445
(29) Sales of services to a corporation described in division	45446
(A) of section 5709.72 of the Revised Code, and sales of tangible	45447
personal property that qualifies for exemption from taxation under	45448
section 5709.72 of the Revised Code;	45449
(30) Sales and installation of agricultural land tile, as	45450
defined in division (B)(5)(a) of section 5739.01 of the Revised	45451
Code;	45452

(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; 45453  
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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; 45456  
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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; 45462  
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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. 45467  
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(35)(a) Sales where the purpose of the consumer is to use or consume the things transferred in making retail sales and consisting of newspaper inserts, catalogues, coupons, flyers, gift 45482  
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certificates, or other advertising material that prices and 45485  
describes tangible personal property offered for retail sale. 45486

(b) Sales to direct marketing vendors of preliminary 45487  
materials such as photographs, artwork, and typesetting that will 45488  
be used in printing advertising material; of printed matter that 45489  
offers free merchandise or chances to win sweepstake prizes and 45490  
that is mailed to potential customers with advertising material 45491  
described in division (B)(35)(a) of this section; and of equipment 45492  
such as telephones, computers, facsimile machines, and similar 45493  
tangible personal property primarily used to accept orders for 45494  
direct marketing retail sales. 45495

(c) Sales of automatic food vending machines that preserve 45496  
food with a shelf life of forty-five days or less by refrigeration 45497  
and dispense it to the consumer. 45498

For purposes of division (B)(35) of this section, "direct 45499  
marketing" means the method of selling where consumers order 45500  
tangible personal property by United States mail, delivery 45501  
service, or telecommunication and the vendor delivers or ships the 45502  
tangible personal property sold to the consumer from a warehouse, 45503  
catalogue distribution center, or similar fulfillment facility by 45504  
means of the United States mail, delivery service, or common 45505  
carrier. 45506

(36) Sales to a person engaged in the business of 45507  
horticulture or producing livestock of materials to be 45508  
incorporated into a horticulture structure or livestock structure; 45509

(37) Sales of personal computers, computer monitors, computer 45510  
keyboards, modems, and other peripheral computer equipment to an 45511  
individual who is licensed or certified to teach in an elementary 45512  
or a secondary school in this state for use by that individual in 45513  
preparation for teaching elementary or secondary school students; 45514

(38) Sales to a professional racing team of any of the 45515

following:	45516
(a) Motor racing vehicles;	45517
(b) Repair services for motor racing vehicles;	45518
(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.	45519 45520 45521 45522 45523 45524 45525 45526
(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;	45527 45528 45529
(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.	45530 45531 45532 45533 45534 45535 45536 45537 45538 45539 45540 45541 45542 45543 45544 45545 45546

(41) Sales to a person providing services under division 45547  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 45548  
personal property and services used directly and primarily in 45549  
providing taxable services under that section. 45550

(42) Sales where the purpose of the purchaser is to do any of 45551  
the following: 45552

(a) To incorporate the thing transferred as a material or a 45553  
part into tangible personal property to be produced for sale by 45554  
manufacturing, assembling, processing, or refining; or to use or 45555  
consume the thing transferred directly in producing tangible 45556  
personal property for sale by mining, including, without 45557  
limitation, the extraction from the earth of all substances that 45558  
are classed geologically as minerals, production of crude oil and 45559  
natural gas, farming, agriculture, horticulture, or floriculture, 45560  
or directly in the rendition of a public utility service, except 45561  
that the sales tax levied by this section shall be collected upon 45562  
all meals, drinks, and food for human consumption sold when 45563  
transporting persons. Persons engaged in rendering farming, 45564  
agricultural, horticultural, or floricultural services, and 45565  
services in the exploration for, and production of, crude oil and 45566  
natural gas, for others are deemed engaged directly in farming, 45567  
agriculture, horticulture, and floriculture, or exploration for, 45568  
and production of, crude oil and natural gas. This paragraph does 45569  
not exempt from "retail sale" or "sales at retail" the sale of 45570  
tangible personal property that is to be incorporated into a 45571  
structure or improvement to real property. 45572

(b) To hold the thing transferred as security for the 45573  
performance of an obligation of the vendor; 45574

(c) To resell, hold, use, or consume the thing transferred as 45575  
evidence of a contract of insurance; 45576

(d) To use or consume the thing directly in commercial 45577

fishing; 45578

(e) To incorporate the thing transferred as a material or a 45579  
part into, or to use or consume the thing transferred directly in 45580  
the production of, magazines distributed as controlled circulation 45581  
publications; 45582

(f) To use or consume the thing transferred in the production 45583  
and preparation in suitable condition for market and sale of 45584  
printed, imprinted, overprinted, lithographic, multilithic, 45585  
blueprinted, photostatic, or other productions or reproductions of 45586  
written or graphic matter; 45587

(g) To use the thing transferred, as described in section 45588  
5739.011 of the Revised Code, primarily in a manufacturing 45589  
operation to produce tangible personal property for sale; 45590

(h) To use the benefit of a warranty, maintenance or service 45591  
contract, or similar agreement, as described in division (B)(7) of 45592  
section 5739.01 of the Revised Code, to repair or maintain 45593  
tangible personal property, if all of the property that is the 45594  
subject of the warranty, contract, or agreement would not be 45595  
subject to the tax imposed by this section; 45596

(i) To use the thing transferred as qualified research and 45597  
development equipment; 45598

(j) To use or consume the thing transferred primarily in 45599  
storing, transporting, mailing, or otherwise handling purchased 45600  
sales inventory in a warehouse, distribution center, or similar 45601  
facility when the inventory is primarily distributed outside this 45602  
state to retail stores of the person who owns or controls the 45603  
warehouse, distribution center, or similar facility, to retail 45604  
stores of an affiliated group of which that person is a member, or 45605  
by means of direct marketing. This division does not apply to 45606  
motor vehicles registered for operation on the public highways. As 45607  
used in this division, "affiliated group" has the same meaning as 45608

in division (B)(3)(e) of section 5739.01 of the Revised Code and 45609  
"direct marketing" has the same meaning as in division (B)(35) of 45610  
this section. 45611

(k) To use or consume the thing transferred to fulfill a 45612  
contractual obligation incurred by a warrantor pursuant to a 45613  
warranty provided as a part of the price of the tangible personal 45614  
property sold or by a vendor of a warranty, maintenance or service 45615  
contract, or similar agreement the provision of which is defined 45616  
as a sale under division (B)(7) of section 5739.01 of the Revised 45617  
Code; 45618

(l) To use or consume the thing transferred in the production 45619  
of a newspaper for distribution to the public; 45620

(m) To use tangible personal property to perform a service 45621  
listed in division (B)(3) of section 5739.01 of the Revised Code, 45622  
if the property is or is to be permanently transferred to the 45623  
consumer of the service as an integral part of the performance of 45624  
the service. 45625

As used in division (B)(42) of this section, "thing" includes 45626  
all transactions included in divisions (B)(3)(a), (b), and (e) of 45627  
section 5739.01 of the Revised Code. 45628

(43) Sales conducted through a coin operated device that 45629  
activates vacuum equipment or equipment that dispenses water, 45630  
whether or not in combination with soap or other cleaning agents 45631  
or wax, to the consumer for the consumer's use on the premises in 45632  
washing, cleaning, or waxing a motor vehicle, provided no other 45633  
personal property or personal service is provided as part of the 45634  
transaction. 45635

(44) Sales of replacement and modification parts for engines, 45636  
airframes, instruments, and interiors in, and paint for, aircraft 45637  
used primarily in a fractional aircraft ownership program, and 45638  
sales of services for the repair, modification, and maintenance of 45639

such aircraft, and machinery, equipment, and supplies primarily 45640  
used to provide those services. 45641

(45) Sales of telecommunications service that is used 45642  
directly and primarily to perform the functions of a call center. 45643  
As used in this division, "call center" means any physical 45644  
location where telephone calls are placed or received in high 45645  
volume for the purpose of making sales, marketing, customer 45646  
service, technical support, or other specialized business 45647  
activity, and that employs at least fifty individuals that engage 45648  
in call center activities on a full-time basis, or sufficient 45649  
individuals to fill fifty full-time equivalent positions. 45650

(46) Sales by a telecommunications service vendor of 900 45651  
service to a subscriber. This division does not apply to 45652  
information services, as defined in division (FF) of section 45653  
5739.01 of the Revised Code. 45654

(47) Sales of value-added non-voice data service. This 45655  
division does not apply to any similar service that is not 45656  
otherwise a telecommunications service. 45657

(C) For the purpose of the proper administration of this 45658  
chapter, and to prevent the evasion of the tax, it is presumed 45659  
that all sales made in this state are subject to the tax until the 45660  
contrary is established. 45661

(D) The levy of this tax on retail sales of recreation and 45662  
sports club service shall not prevent a municipal corporation from 45663  
levying any tax on recreation and sports club dues or on any 45664  
income generated by recreation and sports club dues. 45665

(E) The tax collected by the vendor from the consumer under 45666  
this chapter is not part of the price, but is a tax collection for 45667  
the benefit of the state, and of counties levying an additional 45668  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 45669  
Code and of transit authorities levying an additional sales tax 45670

pursuant to section 5739.023 of the Revised Code. Except for the 45671  
discount authorized under section 5739.12 of the Revised Code and 45672  
the effects of any rounding pursuant to section 5703.055 of the 45673  
Revised Code, no person other than the state or such a county or 45674  
transit authority shall derive any benefit from the collection or 45675  
payment of the tax levied by this section or section 5739.021, 45676  
5739.023, or 5739.026 of the Revised Code. 45677

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 45678  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 45679  
5741.023 of the Revised Code, and except as otherwise provided in 45680  
division (B) of this section, the tax due under this chapter on 45681  
the sale of a motor vehicle required to be titled under Chapter 45682  
4505. of the Revised Code by a motor vehicle dealer to a consumer 45683  
that is a nonresident of this state shall be the sum of the tax 45684  
levied under section 5739.02 of the Revised Code and the lowest 45685  
total rate of tax levied by any county or transit authority under 45686  
sections 5741.021, 5741.022, and 5741.023 of the Revised Code, but 45687  
not to exceed six per cent, if all of the following apply: 45688

(1) The consumer intends to immediately remove the motor 45689  
vehicle from this state for use outside this state; 45690

(2) Upon removal of the motor vehicle from this state, the 45691  
consumer intends to title or register the vehicle in another state 45692  
if such titling or registration is required; 45693

(3) The consumer executes an affidavit as required under 45694  
division (C) of this section affirming the consumer's intentions 45695  
under divisions (A)(1) and (2) of this section. 45696

(B) No tax is due under this section, any other section of 45697  
this chapter, or Chapter 5741. of the Revised Code on a sale 45698  
described under division (A) of this section if the state in which 45699  
the consumer titles or registers the motor vehicle or to which the 45700  
consumer removes the vehicle for use does not impose a use tax or 45701

similar excise tax on the ownership or use of motor vehicles or 45702  
imposes such a tax but does not grant a credit against that tax 45703  
for sales or use tax paid to this state. 45704

(C) Any nonresident consumer that purchases a motor vehicle 45705  
from a motor vehicle dealer in this state under the circumstances 45706  
described in divisions (A)(1) and (2) of this section shall 45707  
execute an affidavit affirming the intentions described in those 45708  
divisions. The affidavit shall be executed in triplicate and in 45709  
the form specified by the tax commissioner. The affidavit shall be 45710  
given to the motor vehicle dealer. 45711

A motor vehicle dealer that accepts in good faith an 45712  
affidavit presented under this division by a nonresident consumer 45713  
may rely upon the representations made in the affidavit. 45714

(D) A motor vehicle dealer making a sale subject to the tax 45715  
under division (A) of this section shall collect the tax due 45716  
unless the sale is subject to the exception under division (B) of 45717  
this section. In the case of any sale, the dealer shall retain one 45718  
copy of the affidavit and file the original and the other copy 45719  
with the clerk of the court of common pleas. If tax is due under 45720  
division (A) of this section, the dealer shall remit the tax 45721  
collected to the clerk at the time the dealer obtains the Ohio 45722  
certificate of title in the name of the consumer as required under 45723  
section 4505.06 of the Revised Code. The clerk shall forward the 45724  
original affidavit to the tax commissioner in the manner 45725  
prescribed by the commissioner. 45726

Upon receipt of an application for certificate of title 45727  
accompanied by an affidavit required by division (C) of this 45728  
section, a clerk of the court of common pleas shall collect the 45729  
sales tax due under division (A) of this section. The clerk shall 45730  
remit the tax collected to the tax commissioner in the manner 45731  
prescribed by the commissioner. 45732



(E) If a motor vehicle is purchased by a corporation described in division (B)(6) of section 5739.01 of the Revised Code, the state of residence of the consumer for the purposes of this section is the state of residence of the corporation's principal shareholder. 45733  
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(F) Any provision of this chapter or of Chapter 5741. of the Revised Code that is not inconsistent with this section applies to sales described in division (A) of this section. 45738  
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(G) As used in this section, "state," except in reference to "this state," means any state, district, commonwealth, or territory of the United States. 45741  
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**Sec. 5739.033.** (A) Except as provided in division (B) of this section, divisions (C) to (I) of this section apply to sales made on and after May 1, 2006. Sales made before May 1, 2006, are subject to section 5739.035 of the Revised Code. On and after January 1, 2005, any vendor may irrevocably elect to comply with divisions (C) to (I) of this section for all of the vendor's sales and places of business in this state. 45744  
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The amount of tax due pursuant to sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is the sum of the taxes imposed pursuant to those sections at the sourcing location of the sale as determined under this section or, if applicable, under division (C) of section 5739.031 or section 5739.034 of the Revised Code, or at the situs of the sale as determined under section 5739.035 of the Revised Code. This section applies only to a vendor's or seller's obligation to collect and remit sales taxes under section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code or use taxes under section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code. Division (A) of this section does not apply in determining the jurisdiction for which sellers are required to collect the use tax under section 5741.05 45751  
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of the Revised Code. This section does not affect the obligation 45764  
of a consumer to remit use taxes on the storage, use, or other 45765  
consumption of tangible personal property or on the benefit 45766  
realized of any service provided, to the jurisdiction of that 45767  
storage, use, or consumption, or benefit realized. 45768

(B)(1) As used in this division: 45769

(a) "Delivery sale" means the taxable sale of tangible 45770  
personal property or a service that is received by a consumer, or 45771  
a donee designated by the consumer, in a taxing jurisdiction that 45772  
is not the taxing jurisdiction in which the vendor has a fixed 45773  
place of business. 45774

(b) "Agreement" has the same meaning as in section 5740.01 of 45775  
the Revised Code. 45776

(c) "Governing board" has the same meaning as in section 45777  
5740.02 of the Revised Code. 45778

(2)(a) A vendor with total delivery sales in calendar year 45779  
2005 that are less than thirty million dollars may continue to 45780  
situate its sales under section 5739.035 of the Revised Code from 45781  
May 1, 2006, through April 30, 2007, except that, if the tax 45782  
commissioner does not enter a determination in the commissioner's 45783  
journal under division (B)(2)(b) of this section, those dates 45784  
shall be May 1, 2006, through December 31, 2007. 45785

(b) On or before February 1, 2007, the tax commissioner shall 45786  
determine whether certified service provider services are being 45787  
provided by the governing board of the streamlined sales and use 45788  
tax agreement for all delivery sales. If the commissioner 45789  
determines that such services are being so provided, the 45790  
commissioner shall enter the determination in the commissioner's 45791  
journal and shall provide notice of the determination on the 45792  
department of taxation's official internet web site. If the 45793  
commissioner makes such an entry in the journal, then a vendor 45794

with total delivery sales in calendar year 2006 that are less than 45795  
five million dollars may continue to situs its sales under section 45796  
5739.035 of the Revised Code from May 1, 2007, through December 45797  
31, 2007. 45798

(3) Beginning January 1, 2008, all vendors shall source their 45799  
sales under divisions (C) to (I) of this section. 45800

(4) Once a vendor has total delivery sales that exceed the 45801  
dollar amount in division (B)(2)(a) or (b) of this section, the 45802  
vendor shall source its sales under divisions (C) to (I) of this 45803  
section and shall continue to source its sales under those 45804  
divisions, regardless of the amount of the vendor's total delivery 45805  
sales in future years. 45806

(C) Except for sales, other than leases, of titled motor 45807  
vehicles, titled watercraft, or titled outboard motors as provided 45808  
in ~~section~~ sections 5739.029 and 5741.05 of the Revised Code, or 45809  
as otherwise provided in this section and section 5739.034 of the 45810  
Revised Code, all sales shall be sourced as follows: 45811

(1) If the consumer or a donee designated by the consumer 45812  
receives tangible personal property or a service at a vendor's 45813  
place of business, the sale shall be sourced to that place of 45814  
business. 45815

(2) When the tangible personal property or service is not 45816  
received at a vendor's place of business, the sale shall be 45817  
sourced to the location known to the vendor where the consumer or 45818  
the donee designated by the consumer receives the tangible 45819  
personal property or service, including the location indicated by 45820  
instructions for delivery to the consumer or the consumer's donee. 45821

(3) If divisions (C)(1) and (2) of this section do not apply, 45822  
the sale shall be sourced to the location indicated by an address 45823  
for the consumer that is available from the vendor's business 45824  
records that are maintained in the ordinary course of the vendor's 45825

business, when use of that address does not constitute bad faith. 45826  
45827

(4) If divisions (C)(1), (2), and (3) of this section do not 45828  
apply, the sale shall be sourced to the location indicated by an 45829  
address for the consumer obtained during the consummation of the 45830  
sale, including the address associated with the consumer's payment 45831  
instrument, if no other address is available, when use of that 45832  
address does not constitute bad faith. 45833

(5) If divisions (C)(1), (2), (3), and (4) of this section do 45834  
not apply, including in the circumstance where the vendor is 45835  
without sufficient information to apply any of those divisions, 45836  
the sale shall be sourced to the address from which tangible 45837  
personal property was shipped, or from which the service was 45838  
provided, disregarding any location that merely provided the 45839  
electronic transfer of the property sold or service provided. 45840

(6) As used in division (C) of this section, "receive" means 45841  
taking possession of tangible personal property or making first 45842  
use of a service. "Receive" does not include possession by a 45843  
shipping company on behalf of a consumer. 45844

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 45845  
section, a business consumer that is not a holder of a direct 45846  
payment permit granted under section 5739.031 of the Revised Code, 45847  
that purchases a digital good, computer software, except computer 45848  
software received in person by a business consumer at a vendor's 45849  
place of business, or a service, and that knows at the time of 45850  
purchase that such digital good, software, or service will be 45851  
concurrently available for use in more than one taxing 45852  
jurisdiction shall deliver to the vendor in conjunction with its 45853  
purchase an exemption certificate claiming multiple points of use, 45854  
or shall meet the requirements of division (D)(2) of this section. 45855  
On receipt of the exemption certificate claiming multiple points 45856  
of use, the vendor is relieved of its obligation to collect, pay, 45857

or remit the tax due, and the business consumer must pay the tax 45858  
directly to the state. 45859

(b) A business consumer that delivers the exemption 45860  
certificate claiming multiple points of use to a vendor may use 45861  
any reasonable, consistent, and uniform method of apportioning the 45862  
tax due on the digital good, computer software, or service that is 45863  
supported by the consumer's business records as they existed at 45864  
the time of the sale. The business consumer shall report and pay 45865  
the appropriate tax to each jurisdiction where concurrent use 45866  
occurs. The tax due shall be calculated as if the apportioned 45867  
amount of the digital good, computer software, or service had been 45868  
delivered to each jurisdiction to which the sale is apportioned 45869  
under this division. 45870

(c) The exemption certificate claiming multiple points of use 45871  
shall remain in effect for all future sales by the vendor to the 45872  
business consumer until it is revoked in writing by the business 45873  
consumer, except as to the business consumer's specific 45874  
apportionment of a subsequent sale under division (D)(1)(b) of 45875  
this section and the facts existing at the time of the sale. 45876

(2) When the vendor knows that a digital good, computer 45877  
software, or service sold will be concurrently available for use 45878  
by the business consumer in more than one jurisdiction, but the 45879  
business consumer does not provide an exemption certificate 45880  
claiming multiple points of use as required by division (D)(1) of 45881  
this section, the vendor may work with the business consumer to 45882  
produce the correct apportionment. Governed by the principles of 45883  
division (D)(1)(b) of this section, the vendor and business 45884  
consumer may use any reasonable, but consistent and uniform, 45885  
method of apportionment that is supported by the vendor's and 45886  
business consumer's books and records as they exist at the time 45887  
the sale is reported for purposes of the taxes levied under this 45888  
chapter. If the business consumer certifies to the accuracy of the 45889

apportionment and the vendor accepts the certification, the vendor 45890  
shall collect and remit the tax accordingly. In the absence of bad 45891  
faith, the vendor is relieved of any further obligation to collect 45892  
tax on any transaction where the vendor has collected tax pursuant 45893  
to the information certified by the business consumer. 45894

(3) When the vendor knows that the digital good, computer 45895  
software, or service will be concurrently available for use in 45896  
more than one jurisdiction, and the business consumer does not 45897  
have a direct pay permit and does not provide to the vendor an 45898  
exemption certificate claiming multiple points of use as required 45899  
in division (D)(1) of this section, or certification pursuant to 45900  
division (D)(2) of this section, the vendor shall collect and 45901  
remit the tax based on division (C) of this section. 45902

(4) Nothing in this section shall limit a person's obligation 45903  
for sales or use tax to any state in which a digital good, 45904  
computer software, or service is concurrently available for use, 45905  
nor limit a person's ability under local, state, or federal law, 45906  
to claim a credit for sales or use taxes legally due and paid to 45907  
other jurisdictions. 45908

(E) A person who holds a direct payment permit issued under 45909  
section 5739.031 of the Revised Code is not required to deliver an 45910  
exemption certificate claiming multiple points of use to a vendor. 45911  
But such permit holder shall comply with division (D)(2) of this 45912  
section in apportioning the tax due on a digital good, computer 45913  
software, or a service for use in business that will be 45914  
concurrently available for use in more than one taxing 45915  
jurisdiction. 45916

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 45917  
section, the consumer of direct mail that is not a holder of a 45918  
direct payment permit shall provide to the vendor in conjunction 45919  
with the sale either an exemption certificate claiming direct mail 45920  
prescribed by the tax commissioner, or information to show the 45921

jurisdictions to which the direct mail is delivered to recipients. 45922

(2) Upon receipt of such exemption certificate, the vendor is 45923  
relieved of all obligations to collect, pay, or remit the 45924  
applicable tax and the consumer is obligated to pay that tax on a 45925  
direct pay basis. An exemption certificate claiming direct mail 45926  
shall remain in effect for all future sales of direct mail by the 45927  
vendor to the consumer until it is revoked in writing. 45928

(3) Upon receipt of information from the consumer showing the 45929  
jurisdictions to which the direct mail is delivered to recipients, 45930  
the vendor shall collect the tax according to the delivery 45931  
information provided by the consumer. In the absence of bad faith, 45932  
the vendor is relieved of any further obligation to collect tax on 45933  
any transaction where the vendor has collected tax pursuant to the 45934  
delivery information provided by the consumer. 45935

(4) If the consumer of direct mail does not have a direct 45936  
payment permit and does not provide the vendor with either an 45937  
exemption certificate claiming direct mail or delivery information 45938  
as required by division (F)(1) of this section, the vendor shall 45939  
collect the tax according to division (C)(5) of this section. 45940  
Nothing in division (F)(4) of this section shall limit a 45941  
consumer's obligation to pay sales or use tax to any state to 45942  
which the direct mail is delivered. 45943

(5) If a consumer of direct mail provides the vendor with 45944  
documentation of direct payment authority, the consumer shall not 45945  
be required to provide an exemption certificate claiming direct 45946  
mail or delivery information to the vendor. 45947

(G) If the vendor provides lodging to transient guests as 45948  
specified in division (B)(2) of section 5739.01 of the Revised 45949  
Code, the sale shall be sourced to the location where the lodging 45950  
is located. 45951

(H)(1) As used in this division and division (I) of this 45952

section, "transportation equipment" means any of the following: 45953

(a) Locomotives and railcars that are utilized for the 45954  
carriage of persons or property in interstate commerce. 45955

(b) Trucks and truck-tractors with a gross vehicle weight 45956  
rating of greater than ten thousand pounds, trailers, 45957  
semi-trailers, or passenger buses that are registered through the 45958  
international registration plan and are operated under authority 45959  
of a carrier authorized and certificated by the United States 45960  
department of transportation or another federal authority to 45961  
engage in the carriage of persons or property in interstate 45962  
commerce. 45963

(c) Aircraft that are operated by air carriers authorized and 45964  
certificated by the United States department of transportation or 45965  
another federal authority to engage in the carriage of persons or 45966  
property in interstate or foreign commerce. 45967

(d) Containers designed for use on and component parts 45968  
attached to or secured on the items set forth in division 45969  
(H)(1)(a), (b), or (c) of this section. 45970

(2) A sale, lease, or rental of transportation equipment 45971  
shall be sourced pursuant to division (C) of this section. 45972

(I)(1) A lease or rental of tangible personal property that 45973  
does not require recurring periodic payments shall be sourced 45974  
pursuant to division (C) of this section. 45975

(2) A lease or rental of tangible personal property that 45976  
requires recurring periodic payments shall be sourced as follows: 45977

(a) In the case of a motor vehicle, other than a motor 45978  
vehicle that is transportation equipment, or an aircraft, other 45979  
than an aircraft that is transportation equipment, such lease or 45980  
rental shall be sourced as follows: 45981

(i) An accelerated tax payment on a lease or rental taxed 45982



pursuant to division (A)(2) of section 5739.02 of the Revised Code 45983  
shall be sourced to the primary property location at the time the 45984  
lease or rental is consummated. Any subsequent taxable charges on 45985  
the lease or rental shall be sourced to the primary property 45986  
location for the period in which the charges are incurred. 45987

(ii) For a lease or rental taxed pursuant to division (A)(3) 45988  
of section 5739.02 of the Revised Code, each lease or rental 45989  
installment shall be sourced to the primary property location for 45990  
the period covered by the installment. 45991

(b) In the case of a lease or rental of all other tangible 45992  
personal property, other than transportation equipment, such lease 45993  
or rental shall be sourced as follows: 45994

(i) An accelerated tax payment on a lease or rental that is 45995  
taxed pursuant to division (A)(2) of section 5739.02 of the 45996  
Revised Code shall be sourced pursuant to division (C) of this 45997  
section at the time the lease or rental is consummated. Any 45998  
subsequent taxable charges on the lease or rental shall be sourced 45999  
to the primary property location for the period in which the 46000  
charges are incurred. 46001

(ii) For a lease or rental that is taxed pursuant to division 46002  
(A)(3) of section 5739.02 of the Revised Code, the initial lease 46003  
or rental installment shall be sourced pursuant to division (C) of 46004  
this section. Each subsequent installment shall be sourced to the 46005  
primary property location for the period covered by the 46006  
installment. 46007

(3) As used in division (I) of this section, "primary 46008  
property location" means an address for tangible personal property 46009  
provided by the lessee or renter that is available to the lessor 46010  
or owner from its records maintained in the ordinary course of 46011  
business, when use of that address does not constitute bad faith. 46012

Sec. 5739.12. (A) Each person who has or is required to have 46013  
a vendor's license, on or before the twenty-third day of each 46014  
month, shall make and file a return for the preceding month, on 46015  
forms prescribed by the tax commissioner, and shall pay the tax 46016  
shown on the return to be due. The commissioner may require a 46017  
vendor that operates from multiple locations or has multiple 46018  
vendor's licenses to report all tax liabilities on one 46019  
consolidated return. The return shall show the amount of tax due 46020  
from the vendor to the state for the period covered by the return 46021  
and such other information as the commissioner deems necessary for 46022  
the proper administration of this chapter. The commissioner may 46023  
extend the time for making and filing returns and paying the tax, 46024  
and may require that the return for the last month of any annual 46025  
or semiannual period, as determined by the commissioner, be a 46026  
reconciliation return detailing the vendor's sales activity for 46027  
the preceding annual or semiannual period. The reconciliation 46028  
return shall be filed by the last day of the month following the 46029  
last month of the annual or semiannual period. The commissioner 46030  
may remit all or any part of amounts or penalties that may become 46031  
due under this chapter and may adopt rules relating thereto. Such 46032  
return shall be filed by mailing it to the tax commissioner, 46033  
together with payment of the amount of tax shown to be due thereon 46034  
after deduction of any discount provided for under this section. 46035  
Remittance shall be made payable to the treasurer of state. The 46036  
return shall be considered filed when received by the tax 46037  
commissioner, and the payment shall be considered made when 46038  
received by the tax commissioner or when credited to an account 46039  
designated by the treasurer of state or the tax commissioner. 46040

(B)(1) If the return is filed and the amount of tax shown 46041  
thereon to be due is paid on or before the date such return is 46042  
required to be filed, the vendor shall be entitled to ~~the~~ 46043  
~~following a~~ discount of: 46044

~~(1)~~(a) On and after July 1, 2005, and on and before June 30, 2007, nine-tenths of one per cent of the amount shown to be due on the return;

~~(2)~~(b) On and after July 1, 2007, three-fourths of one per cent of the amount shown to be due on the return.

(2) A vendor that has selected a certified service provider as its agent shall not be entitled to the discount if the certified service provider receives a monetary allowance pursuant to section 5739.06 of the Revised Code for performing the vendor's sales and use tax functions in this state. Amounts paid to the clerk of courts pursuant to section 4505.06 of the Revised Code shall be subject to the applicable discount. The discount shall be in consideration for prompt payment to the clerk of courts and for other services performed by the vendor in the collection of the tax.

(3) Vendors of watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, dealers of motor vehicles required to be titled under section 4505.06 of the Revised Code, and dealers of off-highway motorcycles or all-purpose vehicles required to be titled under section 4519.55 of the Revised Code that submit to the clerk of the court of common pleas payment of the tax collected on sales of watercraft, outboard motors, motor vehicles, off-highway motorcycles, or all-purpose vehicles may, when computing the discount provided for in division (B)(1) of this section, include those sales on the return for the period in which the sales were made. If the tax reported to be due on the return is less than the discount allowed under this section, the vendor or dealer may file a claim for refund of any unused discount in the manner provided in section 5739.07 of the Revised Code, provided that such refund claims may not be filed more frequently than twice per year by a vendor or dealer.

(C)(1) Upon application to the commissioner, a vendor who is required to file monthly returns may be relieved of the requirement to report and pay the actual tax due, provided that the vendor agrees to remit to the tax commissioner payment of not less than an amount determined by the commissioner to be the average monthly tax liability of the vendor, based upon a review of the returns or other information pertaining to such vendor for a period of not less than six months nor more than two years immediately preceding the filing of the application. Vendors who agree to the above conditions shall make and file an annual or semiannual reconciliation return, as prescribed by the commissioner. The reconciliation return shall be filed by mailing or delivering it to the tax commissioner, together with payment of the amount of tax shown to be due thereon after deduction of any discount provided in this section. Remittance shall be made payable to the treasurer of state. Failure of a vendor to comply with any of the above conditions may result in immediate reinstatement of the requirement of reporting and paying the actual tax liability on each monthly return, and the commissioner may at the commissioner's discretion deny the vendor the right to report and pay based upon the average monthly liability for a period not to exceed two years. The amount ascertained by the commissioner to be the average monthly tax liability of a vendor may be adjusted, based upon a review of the returns or other information pertaining to the vendor for a period of not less than six months nor more than two years preceding such adjustment.

(2) The commissioner may authorize vendors whose tax liability is not such as to merit monthly returns, as ascertained by the commissioner upon the basis of administrative costs to the state, to make and file returns at less frequent intervals. When returns are filed at less frequent intervals in accordance with such authorization, the vendor shall be allowed the discount provided in this section in consideration for prompt payment with

the return, provided the return is filed together with payment of 46110  
the amount of tax shown to be due thereon, at the time specified 46111  
by the commissioner, but a vendor that has selected a certified 46112  
service provider as its agent shall not be entitled to the 46113  
discount. 46114

(D) Any vendor who fails to file a return or pay the full 46115  
amount of the tax shown on the return to be due under this section 46116  
and the rules of the commissioner may, for each such return the 46117  
vendor fails to file or each such tax the vendor fails to pay in 46118  
full as shown on the return within the period prescribed by this 46119  
section and the rules of the commissioner, be required to forfeit 46120  
and pay into the state treasury an additional charge not exceeding 46121  
fifty dollars or ten per cent of the tax required to be paid for 46122  
the reporting period, whichever is greater, as revenue arising 46123  
from the tax imposed by this chapter, and such sum may be 46124  
collected by assessment in the manner provided in section 5739.13 46125  
of the Revised Code. The commissioner may remit all or a portion 46126  
of the additional charge and may adopt rules relating to the 46127  
imposition and remission of the additional charge. 46128

(E) If the amount required to be collected by a vendor from 46129  
consumers is in excess of the applicable percentage of the 46130  
vendor's receipts from sales that are taxable under section 46131  
5739.02 of the Revised Code, or in the case of sales subject to a 46132  
tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of 46133  
the Revised Code, in excess of the percentage equal to the 46134  
aggregate rate of such taxes and the tax levied by section 5739.02 46135  
of the Revised Code, such excess shall be remitted along with the 46136  
remittance of the amount of tax due under section 5739.10 of the 46137  
Revised Code. 46138

(F) The commissioner, if the commissioner deems it necessary 46139  
in order to insure the payment of the tax imposed by this chapter, 46140  
may require returns and payments to be made for other than monthly 46141

periods. The returns shall be signed by the vendor or the vendor's  
authorized agent.

(G) Any vendor required to file a return and pay the tax  
under this section, whose total payment equals or exceeds the  
amount shown in division (A) of section 5739.122 of the Revised  
Code, shall make each payment required by this section in the  
second ensuing and each succeeding year by electronic funds  
transfer as prescribed by, and on or before the dates specified  
in, section 5739.122 of the Revised Code, except as otherwise  
prescribed by that section. For a vendor that operates from  
multiple locations or has multiple vendor's licenses, in  
determining whether the vendor's total payment equals or exceeds  
the amount shown in division (A) of that section, the vendor's  
total payment amount shall be the amount of the vendor's total tax  
liability for the previous calendar year for all of the vendor's  
locations or licenses.

**Sec. 5739.21.** (A) ~~Four and two tenths~~ One hundred per cent of  
all money deposited into the state treasury under sections 5739.01  
to 5739.31 of the Revised Code and not required to be distributed  
as provided in section 5739.102 of the Revised Code or division  
(B) of this section shall be credited to ~~the local government fund~~  
~~for distribution in accordance with section 5747.50 of the Revised~~  
~~Code, six tenths of one per cent shall be credited to the local~~  
~~government revenue assistance fund for distribution in accordance~~  
~~with section 5747.61 of the Revised Code, and ninety five and~~  
~~two tenths per cent shall be credited to the general revenue fund.~~

(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 46173  
proceeds of such tax or taxes received during that month from 46174  
billings and assessments, or associated with tax returns or 46175  
reports filed during that month, to be returned to the county or 46176  
transit authority levying the tax or taxes. The amount to be 46177  
returned to each county and transit authority shall be a fraction 46178  
of the aggregate amount of money collected with respect to each 46179  
area in which one or more of such taxes are concurrently in effect 46180  
with the tax levied by section 5739.02 of the Revised Code. The 46181  
numerator of the fraction is the rate of the tax levied by the 46182  
county or transit authority and the denominator of the fraction is 46183  
the aggregate rate of such taxes applicable to such area. The 46184  
amount to be returned to each county or transit authority shall be 46185  
reduced by the amount of any refunds of county or transit 46186  
authority tax paid pursuant to section 5739.07 of the Revised Code 46187  
during the same month, or transfers made pursuant to division 46188  
(B)(2) of section 5703.052 of the Revised Code. 46189

(2) On a periodic basis, using the best information 46190  
available, the tax commissioner shall distribute any amount of a 46191  
county or transit authority tax that cannot be distributed under 46192  
division (B)(1) of this section. Through audit or other means, the 46193  
commissioner shall attempt to obtain the information necessary to 46194  
make the distribution as provided under that division and, on 46195  
receipt of that information, shall make adjustments to 46196  
distributions previously made under this division. 46197

(C) The aggregate amount to be returned to any county or 46198  
transit authority shall be reduced by one per cent, which shall be 46199  
certified directly to the credit of the local sales tax 46200  
administrative fund, which is hereby created in the state 46201  
treasury. For the purpose of determining the amount to be returned 46202  
to a county and transit authority in which the rate of tax imposed 46203  
by the transit authority has been reduced under section 5739.028 46204

of the Revised Code, the tax commissioner shall use the respective 46205  
rates of tax imposed by the county or transit authority that 46206  
results from the change in the rates authorized under that 46207  
section. 46208

(D) The director of budget and management shall transfer, 46209  
from the same funds and in the same proportions specified in 46210  
division (A) of this section, to the permissive tax distribution 46211  
fund created by division (B)(1) of section 4301.423 of the Revised 46212  
Code and to the local sales tax administrative fund, the amounts 46213  
certified by the tax commissioner. The tax commissioner shall 46214  
then, on or before the twentieth day of the month in which such 46215  
certification is made, provide for payment of such respective 46216  
amounts to the county treasurer and to the fiscal officer of the 46217  
transit authority levying the tax or taxes. The amount transferred 46218  
to the local sales tax administrative fund is for use by the tax 46219  
commissioner in defraying costs incurred in administering such 46220  
taxes levied by a county or transit authority. 46221

Sec. 5739.213. Notwithstanding section 5739.21 or 5741.03 of 46222  
the Revised Code, the revenue collected from the tax due under 46223  
section 5739.029 of the Revised Code from the rate in excess of 46224  
the rate imposed under section 5739.02 of the Revised Code shall 46225  
be distributed among all counties of this state as required by 46226  
this section. The amount distributed to each county each year 46227  
shall bear the same ratio to the amount of such revenue as the 46228  
number of motor vehicle registrations in that county in the 46229  
preceding calendar year bears to the total number of motor vehicle 46230  
registrations in all counties in the preceding calendar year. The 46231  
distribution shall be computed before the first day of May each 46232  
year and applies to revenue collected from sales subject to the 46233  
tax occurring between the first day of the preceding March through 46234  
the last day of the following February. The amount to be so 46235  
distributed to each county shall be credited to the funds of the 46236



county as provided by divisions (A) and (B) of section 5739.211 of 46237  
the Revised Code in proportion to the rate of taxes apportioned to 46238  
each such fund from levies under section 5739.021 or 5739.026 of 46239  
the Revised Code. 46240

**Sec. 5741.02.** (A)(1) For the use of the general revenue fund 46241  
of the state, an excise tax is hereby levied on the storage, use, 46242  
or other consumption in this state of tangible personal property 46243  
or the benefit realized in this state of any service provided. The 46244  
tax shall be collected as provided in section 5739.025 of the 46245  
Revised Code, provided that on and after July 1, 2003, and on or 46246  
before June 30, 2005, the rate of the tax shall be six per cent. 46247  
On and after July 1, 2005, the rate of the tax shall be five and 46248  
one-half per cent. 46249

(2) In the case of the lease or rental, with a fixed term of 46250  
more than thirty days or an indefinite term with a minimum period 46251  
of more than thirty days, of any motor vehicles designed by the 46252  
manufacturer to carry a load of not more than one ton, watercraft, 46253  
outboard motor, or aircraft, or of any tangible personal property, 46254  
other than motor vehicles designed by the manufacturer to carry a 46255  
load of more than one ton, to be used by the lessee or renter 46256  
primarily for business purposes, the tax shall be collected by the 46257  
seller at the time the lease or rental is consummated and shall be 46258  
calculated by the seller on the basis of the total amount to be 46259  
paid by the lessee or renter under the lease or rental agreement. 46260  
If the total amount of the consideration for the lease or rental 46261  
includes amounts that are not calculated at the time the lease or 46262  
rental is executed, the tax shall be calculated and collected by 46263  
the seller at the time such amounts are billed to the lessee or 46264  
renter. In the case of an open-end lease or rental, the tax shall 46265  
be calculated by the seller on the basis of the total amount to be 46266  
paid during the initial fixed term of the lease or rental, and for 46267  
each subsequent renewal period as it comes due. As used in this 46268

division, "motor vehicle" has the same meaning as in section 46269  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 46270  
unit attached to the watercraft. 46271

(3) Except as provided in division (A)(2) of this section, in 46272  
the case of a transaction, the price of which consists in whole or 46273  
part of the lease or rental of tangible personal property, the tax 46274  
shall be measured by the installments of those leases or rentals. 46275

(B) Each consumer, storing, using, or otherwise consuming in 46276  
this state tangible personal property or realizing in this state 46277  
the benefit of any service provided, shall be liable for the tax, 46278  
and such liability shall not be extinguished until the tax has 46279  
been paid to this state; provided, that the consumer shall be 46280  
relieved from further liability for the tax if the tax has been 46281  
paid to a seller in accordance with section 5741.04 of the Revised 46282  
Code or prepaid by the seller in accordance with section 5741.06 46283  
of the Revised Code. 46284

(C) The tax does not apply to the storage, use, or 46285  
consumption in this state of the following described tangible 46286  
personal property or services, nor to the storage, use, or 46287  
consumption or benefit in this state of tangible personal property 46288  
or services purchased under the following described circumstances: 46289

(1) When the sale of property or service in this state is 46290  
subject to the excise tax imposed by sections 5739.01 to 5739.31 46291  
of the Revised Code, provided said tax has been paid; 46292

(2) Except as provided in division (D) of this section, 46293  
tangible personal property or services, the acquisition of which, 46294  
if made in Ohio, would be a sale not subject to the tax imposed by 46295  
sections 5739.01 to 5739.31 of the Revised Code; 46296

(3) Property or services, the storage, use, or other 46297  
consumption of or benefit from which this state is prohibited from 46298  
taxing by the Constitution of the United States, laws of the 46299

United States, or the Constitution of this state. This exemption 46300  
shall not exempt from the application of the tax imposed by this 46301  
section the storage, use, or consumption of tangible personal 46302  
property that was purchased in interstate commerce, but that has 46303  
come to rest in this state, provided that fuel to be used or 46304  
transported in carrying on interstate commerce that is stopped 46305  
within this state pending transfer from one conveyance to another 46306  
is exempt from the excise tax imposed by this section and section 46307  
5739.02 of the Revised Code; 46308

(4) Transient use of tangible personal property in this state 46309  
by a nonresident tourist or vacationer, or a nonbusiness use 46310  
within this state by a nonresident of this state, if the property 46311  
so used was purchased outside this state for use outside this 46312  
state and is not required to be registered or licensed under the 46313  
laws of this state; 46314

(5) Tangible personal property or services rendered, upon 46315  
which taxes have been paid to another jurisdiction to the extent 46316  
of the amount of the tax paid to such other jurisdiction. Where 46317  
the amount of the tax imposed by this section and imposed pursuant 46318  
to section 5741.021, 5741.022, or 5741.023 of the Revised Code 46319  
exceeds the amount paid to another jurisdiction, the difference 46320  
shall be allocated between the tax imposed by this section and any 46321  
tax imposed by a county or a transit authority pursuant to section 46322  
5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion 46323  
to the respective rates of such taxes. 46324

As used in this subdivision, "taxes paid to another 46325  
jurisdiction" means the total amount of retail sales or use tax or 46326  
similar tax based upon the sale, purchase, or use of tangible 46327  
personal property or services rendered legally, levied by and paid 46328  
to another state or political subdivision thereof, or to the 46329  
District of Columbia, where the payment of such tax does not 46330  
entitle the taxpayer to any refund or credit for such payment. 46331

(6) The transfer of a used manufactured home or used mobile home, as defined by section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(7) Drugs that are or are intended to be distributed free of charge to a practitioner licensed to prescribe, dispense, and administer drugs to a human being in the course of a professional practice and that by law may be dispensed only by or upon the order of such a practitioner.

(8) Computer equipment and related software leased from a lessor located outside this state and initially received in this state on behalf of the consumer by a third party that will retain possession of such property for not more than ninety days and that will, within that ninety-day period, deliver such property to the consumer at a location outside this state. Division (C)(8) of this section does not provide exemption from taxation for any otherwise taxable charges associated with such property while it is in this state or for any subsequent storage, use, or consumption of such property in this state by or on behalf of the consumer.

(9) Cigarettes that have a wholesale value of three hundred dollars or less used, stored, or consumed, but not for resale, in any month and in any county that shares a border with a state in which the total rate of excise tax on the sale or use of cigarettes exceeds the rate imposed under sections 5743.02 and 5743.32 of the Revised Code by at least forty-five mills per cigarette.

(10) Tangible personal property held for sale by a person but not for that person's own use and donated by that person, without charge or other compensation, to either of the following:

(a) A nonprofit organization operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or

individual and no substantial part of the activities of which 46363  
consists of carrying on propaganda or otherwise attempting to 46364  
influence legislation; or 46365

(b) This state or any political subdivision of this state, 46366  
but only if donated for exclusively public purposes. 46367

For the purposes of division (C)~~(10)~~(9) of this section, 46368  
"charitable purposes" has the same meaning as in division (B)(12) 46369  
of section 5739.02 of the Revised Code. 46370

(D) The tax applies to the storage, use, or other consumption 46371  
in this state of tangible personal property or services, the 46372  
acquisition of which at the time of sale was excepted under 46373  
division (E) of section 5739.01 of the Revised Code from the tax 46374  
imposed by section 5739.02 of the Revised Code, but which has 46375  
subsequently been temporarily or permanently stored, used, or 46376  
otherwise consumed in a taxable manner. 46377

(E)(1)(a) If any transaction is claimed to be exempt under 46378  
division (E) of section 5739.01 of the Revised Code or under 46379  
section 5739.02 of the Revised Code, with the exception of 46380  
divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised 46381  
Code, the consumer shall provide to the seller, and the seller 46382  
shall obtain from the consumer, a certificate specifying the 46383  
reason that the transaction is not subject to the tax. The 46384  
certificate shall be in such form, and shall be provided either in 46385  
a hard copy form or electronic form, as the tax commissioner 46386  
prescribes. 46387

(b) A seller that obtains a fully completed exemption 46388  
certificate from a consumer is relieved of liability for 46389  
collecting and remitting tax on any sale covered by that 46390  
certificate. If it is determined the exemption was improperly 46391  
claimed, the consumer shall be liable for any tax due on that sale 46392  
under this chapter. Relief under this division from liability does 46393

not apply to any of the following:	46394
(i) A seller that fraudulently fails to collect tax;	46395
(ii) A seller that solicits consumers to participate in the unlawful claim of an exemption;	46396 46397
(iii) A seller that accepts an exemption certificate from a consumer that claims an exemption based on who purchases or who sells property or a service, when the subject of the transaction sought to be covered by the exemption certificate is actually received by the consumer at a location operated by the seller in this state, and this state has posted to its web site an exemption certificate form that clearly and affirmatively indicates that the claimed exemption is not available in this state;	46398 46399 46400 46401 46402 46403 46404 46405
(iv) A seller that accepts an exemption certificate from a consumer who claims a multiple points of use exemption under division (D) of section 5739.033 of the Revised Code, if the item purchased is tangible personal property, other than prewritten computer software.	46406 46407 46408 46409 46410
(2) The seller shall maintain records, including exemption certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request.	46411 46412 46413
(3) If no certificate is provided or obtained within ninety days after the date on which the transaction is consummated, it shall be presumed that the tax applies. Failure to have so provided or obtained a certificate shall not preclude a seller, within one hundred twenty days after the tax commissioner gives written notice of intent to levy an assessment, from either establishing that the transaction is not subject to the tax, or obtaining, in good faith, a fully completed exemption certificate.	46414 46415 46416 46417 46418 46419 46420 46421
(4) If a transaction is claimed to be exempt under division (B)(13) of section 5739.02 of the Revised Code, the contractor shall obtain certification of the claimed exemption from the	46422 46423 46424

contractee. This certification shall be in addition to an 46425  
exemption certificate provided by the contractor to the seller. A 46426  
contractee that provides a certification under this division shall 46427  
be deemed to be the consumer of all items purchased by the 46428  
contractor under the claim of exemption, if it is subsequently 46429  
determined that the exemption is not properly claimed. The 46430  
certification shall be in such form as the tax commissioner 46431  
prescribes. 46432

(F) A seller who files a petition for reassessment contesting 46433  
the assessment of tax on transactions for which the seller 46434  
obtained no valid exemption certificates, and for which the seller 46435  
failed to establish that the transactions were not subject to the 46436  
tax during the one-hundred-twenty-day period allowed under 46437  
division (E) of this section, may present to the tax commissioner 46438  
additional evidence to prove that the transactions were exempt. 46439  
The seller shall file such evidence within ninety days of the 46440  
receipt by the seller of the notice of assessment, except that, 46441  
upon application and for reasonable cause, the tax commissioner 46442  
may extend the period for submitting such evidence thirty days. 46443

(G) For the purpose of the proper administration of sections 46444  
5741.01 to 5741.22 of the Revised Code, and to prevent the evasion 46445  
of the tax hereby levied, it shall be presumed that any use, 46446  
storage, or other consumption of tangible personal property in 46447  
this state is subject to the tax until the contrary is 46448  
established. 46449

(H) The tax collected by the seller from the consumer under 46450  
this chapter is not part of the price, but is a tax collection for 46451  
the benefit of the state, and of counties levying an additional 46452  
use tax pursuant to section 5741.021 or 5741.023 of the Revised 46453  
Code and of transit authorities levying an additional use tax 46454  
pursuant to section 5741.022 of the Revised Code. Except for the 46455  
discount authorized under section 5741.12 of the Revised Code and 46456

the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection of such tax.

**Sec. 5741.03.** (A) ~~Four and two tenths~~ One hundred per cent of all money deposited into the state treasury under sections 5741.01 to 5741.22 of the Revised Code that is not required to be distributed as provided in division (B) of this section shall be credited to ~~the local government fund for distribution in accordance with section 5747.50 of the Revised Code, six tenths of one per cent shall be credited to the local government revenue assistance fund for distribution in accordance with section 5747.61 of the Revised Code, and ninety five and two tenths per cent shall be credited to~~ the general revenue fund.

(B) In any case where any county or transit authority has levied a tax or taxes pursuant to section 5741.021, 5741.022, or 5741.023 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 from billings and assessments received during that month, or shown on tax returns or reports filed during that month, to be returned to the county or transit authority levying the tax or taxes, which amounts shall be determined in the manner provided in section 5739.21 of the Revised Code. The director of budget and management shall transfer, from the same funds and in the same proportions specified in division (A) of this section, to the permissive tax distribution fund created by division (B)(1) of section 4301.423 of the Revised Code and to the local sales tax administrative fund created by division ~~(B)~~(C) of section 5739.21 of the Revised Code, the amounts certified by the tax commissioner. The tax commissioner shall then, on or before the twentieth day of the



month in which such certification is made, provide for payment of 46489  
such respective amounts to the county treasurer or to the fiscal 46490  
officer of the transit authority levying the tax or taxes. The 46491  
amount transferred to the local sales tax administrative fund is 46492  
for use by the tax commissioner in defraying costs the 46493  
commissioner incurs in administering such taxes levied by a county 46494  
or transit authority. 46495

**Sec. 5743.01.** As used in this chapter: 46496

(A) "Person" includes individuals, firms, partnerships, 46497  
associations, joint-stock companies, corporations, combinations of 46498  
individuals of any form, and the state and any of its political 46499  
subdivisions. 46500

(B) "Wholesale dealer" includes only those persons: 46501

(1) Who bring in or cause to be brought into this state 46502  
unstamped cigarettes purchased directly from the manufacturer, 46503  
producer, or importer of cigarettes for sale in this state but 46504  
does not include persons who bring in or cause to be brought into 46505  
this state cigarettes with respect to which no evidence of tax 46506  
payment is required thereon as provided in section 5743.04 of the 46507  
Revised Code; or 46508

(2) Who are engaged in the business of selling cigarettes or 46509  
tobacco products to others for the purpose of resale. 46510

"Wholesale dealer" does not include any cigarette 46511  
manufacturer, export warehouse proprietor, or importer with a 46512  
valid permit under 26 U.S.C. 5713 if that person sells cigarettes 46513  
in this state only to wholesale dealers holding valid and current 46514  
licenses under section 5743.15 of the Revised Code or to an export 46515  
warehouse proprietor or another manufacturer. 46516

(C) "Retail dealer" includes: 46517

(1) In reference to dealers in cigarettes, every person other 46518

than a wholesale dealer engaged in the business of selling 46519  
cigarettes in this state, regardless of whether the person is 46520  
located in this state or elsewhere, and regardless of quantity, 46521  
amount, or number of sales; 46522

(2) In reference to dealers in tobacco products, any person 46523  
in this state engaged in the business of selling tobacco products 46524  
to ultimate consumers in this state, regardless of quantity, 46525  
amount, or number of sales. 46526

(D) "Sale" includes exchange, barter, gift, offer for sale, 46527  
and distribution, and includes transactions in interstate or 46528  
foreign commerce. 46529

(E) "Cigarettes" includes any roll for smoking made wholly or 46530  
in part of tobacco, irrespective of size or shape, and whether or 46531  
not such tobacco is flavored, adulterated, or mixed with any other 46532  
ingredient, the wrapper or cover of which is made of paper, 46533  
reconstituted cigarette tobacco, homogenized cigarette tobacco, 46534  
cigarette tobacco sheet, or any similar materials other than cigar 46535  
tobacco. 46536

(F) "Package" means the individual package, box, or other 46537  
container in or from which retail sales of cigarettes are normally 46538  
made or intended to be made. 46539

(G) "Stamp" includes an impression made by a metering device 46540  
as provided for in section 5743.04 of the Revised Code. 46541

(H) "Storage" includes any keeping or retention of cigarettes 46542  
or tobacco products for use or consumption in this state. 46543

(I) "Use" includes the exercise of any right or power 46544  
incidental to the ownership of cigarettes or tobacco products. 46545

(J) "Tobacco product" or "other tobacco product" means any 46546  
product made from tobacco, other than cigarettes, that is made for 46547  
smoking or chewing, or both, and snuff. 46548

(K) "Wholesale price" means the invoice price, including all federal excise taxes, at which the manufacturer of the tobacco product sells the tobacco product to unaffiliated distributors, excluding any discounts based on the method of payment of the invoice or on time of payment of the invoice. If the taxpayer buys from other than a manufacturer, "wholesale price" means the invoice price, including all federal excise taxes and excluding any discounts based on the method of payment of the invoice or on time of payment of the invoice.

(L) "Distributor" means:

(1) Any manufacturer who sells, barter, exchanges, or distributes tobacco products to a retail dealer in the state, except when selling to a retail dealer that has filed with the manufacturer a signed statement agreeing to pay and be liable for the tax imposed by section 5743.51 of the Revised Code;

(2) Any wholesale dealer located in the state who receives tobacco products from a manufacturer, or who receives tobacco products on which the tax imposed by this chapter has not been paid;

(3) Any wholesale dealer located outside the state who sells, barter, exchanges, or distributes tobacco products to a wholesale or retail dealer in the state; or

(4) Any retail dealer who receives tobacco products on which the tax has not or will not be paid by another distributor, including a retail dealer that has filed a signed statement with a manufacturer in which the retail dealer agrees to pay and be liable for the tax that would otherwise be imposed on the manufacturer by section 5743.51 of the Revised Code.

(M) "Taxpayer" means any person liable for the tax imposed by section 5743.51, 5743.62, or 5743.63 of the Revised Code.

(N) "Seller" means any person located outside this state

engaged in the business of selling tobacco products to consumers 46580  
for storage, use, or other consumption in this state. 46581

(O) "Manufacturer" means any person who manufactures and 46582  
sells cigarettes or tobacco products. 46583

(P) "Importer" means any person that ~~imports~~ is authorized, 46584  
under a valid permit issued under Section 5713 of the Internal 46585  
Revenue Code, to import finished cigarettes into the United 46586  
States, either directly or indirectly. 46587

**Sec. 5743.20.** No person shall sell any cigarettes both as a 46588  
retail dealer and as a wholesale dealer at the same place of 46589  
business. No person other than a licensed wholesale dealer shall 46590  
sell cigarettes to a licensed retail dealer. No retail dealer 46591  
shall purchase cigarettes from any person other than a licensed 46592  
wholesale dealer. 46593

Subject to section 5743.031 of the Revised Code, a licensed 46594  
wholesale dealer may not sell cigarettes to any person in this 46595  
state other than a licensed retail dealer, except a licensed 46596  
wholesale dealer may sell cigarettes to another licensed wholesale 46597  
dealer if the tax commissioner has authorized the sale of the 46598  
cigarettes between those wholesale dealers and the wholesale 46599  
dealer that sells the cigarettes received them directly from a 46600  
licensed manufacturer or licensed importer. 46601

The tax commissioner shall adopt rules governing sales of 46602  
cigarettes between licensed wholesale dealers, including rules 46603  
establishing criteria for authorizing such sales. 46604

No manufacturer or importer shall sell cigarettes to any 46605  
person in this state other than to a licensed wholesale dealer or 46606  
licensed importer. No importer shall purchase cigarettes from any 46607  
person other than a licensed manufacturer or licensed importer. 46608

A retail dealer may purchase other tobacco products only from 46609

a licensed distributor. A licensed distributor may sell tobacco products only to a retail dealer, except a licensed distributor may sell tobacco products to another licensed distributor if the tax commissioner has authorized the sale of the tobacco products between those distributors and the distributor that sells the tobacco products received them directly from a manufacturer or importer of tobacco products.

The tax commissioner may adopt rules governing sales of tobacco products between licensed distributors, including rules establishing criteria for authorizing such sales.

The identities of ~~licensed distributors~~ cigarette manufacturers and importers, licensed cigarette wholesalers, licensed distributors of other tobacco products, and registered manufacturers, importers, and brokers of other tobacco products are subject to public disclosure. The tax commissioner shall maintain an alphabetical list of all such ~~distributors~~ manufacturers, importers, wholesalers, distributors, and brokers, shall post the list on a web site accessible to the public through the internet, and shall periodically update the web site posting.

As used in this section, "licensed" means the manufacturer, importer, wholesale dealer, ~~retail dealer~~, or distributor holds a current and valid license issued under section 5743.15 or 5743.61 of the Revised Code, and "registered" means registered with the tax commissioner under section 5743.66 of the Revised Code.

**Sec. 5743.331.** Notwithstanding any other section in this chapter to the contrary, a person may use, store, or consume cigarettes with a wholesale value of not more than three hundred dollars in any month and not for resale in any qualifying border county without incurring liability for any tax levied under this chapter, and is not required to file any return that otherwise would be required under this chapter.

As used in this section, "qualifying border county" is any county that shares a border with a state in which the total rate of excise tax on the sale or use of cigarettes exceeds the rate imposed by sections 5743.02 and 5743.32 of the Revised Code by at least forty-five mills per cigarette.

**Sec. 5745.02.** (A) The annual report filed under section 5745.03 of the Revised Code determines a taxpayer's Ohio net income and the portion of Ohio net income to be apportioned to a municipal corporation.

(B) A taxpayer's Ohio net income is determined by multiplying the taxpayer's adjusted federal taxable income by the sum of the property factor multiplied by one-third, the payroll factor multiplied by one-third, and the sales factor multiplied by one-third. If the denominator of one of the factors is zero, the remaining two factors each shall be multiplied by one-half instead of one-third; if the denominator of two of the factors is zero, the remaining factor shall be multiplied by one. The property, payroll, and sales factors shall be determined in the manner prescribed by divisions (B)(1), (2), and (3) of this section.

(1) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented, and used in business in this state during the taxable year, and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented, and used in business everywhere during such year. Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight times the net annual rental rate. "Net annual rental rate" means the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The average value of property shall be determined by averaging the values at the

beginning and the end of the taxable year, but the tax 46672  
commissioner may require the averaging of monthly values during 46673  
the taxable year, if reasonably required to reflect properly the 46674  
average value of the taxpayer's property. 46675

(2) The payroll factor is a fraction, the numerator of which 46676  
is the total amount paid in this state during the taxable year by 46677  
the taxpayer for compensation, and the denominator of which is the 46678  
total compensation paid everywhere by the taxpayer during such 46679  
year. Compensation means any form of remuneration paid to an 46680  
employee for personal services. Compensation is paid in this state 46681  
if: (a) the recipient's service is performed entirely within this 46682  
state, (b) the recipient's service is performed both within and 46683  
without this state, but the service performed without this state 46684  
is incidental to the recipient's service within this state, or (c) 46685  
some of the service is performed within this state and either the 46686  
base of operations, or if there is no base of operations, the 46687  
place from which the service is directed or controlled is within 46688  
this state, or the base of operations or the place from which the 46689  
service is directed or controlled is not in any state in which 46690  
some part of the service is performed, but the recipient's 46691  
residence is in this state. 46692

(3) The sales factor is a fraction, the numerator of which is 46693  
the total sales in this state by the taxpayer during the taxable 46694  
year, and the denominator of which is the total sales by the 46695  
taxpayer everywhere during such year. Sales of electricity shall 46696  
be situated to this state in the manner provided under section 46697  
5733.059 of the Revised Code. In determining the numerator and 46698  
denominator of the sales factor, receipts from the sale or other 46699  
disposal of a capital asset or an asset described in section 1231 46700  
of the Internal Revenue Code shall be eliminated. Also, in 46701  
determining the numerator and denominator of the sales factor, in 46702  
the case of a reporting taxpayer owning at least eighty per cent 46703

of the issued and outstanding common stock of one or more 46704  
insurance companies or public utilities, except an electric 46705  
company, a combined company, or a telephone company, or owning at 46706  
least twenty-five per cent of the issued and outstanding common 46707  
stock of one or more financial institutions, receipts received by 46708  
the reporting taxpayer from such utilities, insurance companies, 46709  
and financial institutions shall be eliminated. 46710

For the purpose of division (B)(3) of this section, sales of 46711  
tangible personal property are in this state where such property 46712  
is received in this state by the purchaser. In the case of 46713  
delivery of tangible personal property by common carrier or by 46714  
other means of transportation, the place at which such property is 46715  
ultimately received after all transportation has been completed 46716  
shall be considered as the place at which such property is 46717  
received by the purchaser. Direct delivery in this state, other 46718  
than for purposes of transportation, to a person or firm 46719  
designated by a purchaser constitutes delivery to the purchaser in 46720  
this state, and direct delivery outside this state to a person or 46721  
firm designated by a purchaser does not constitute delivery to the 46722  
purchaser in this state, regardless of where title passes or other 46723  
conditions of sale. 46724

Sales, other than sales of electricity or tangible personal 46725  
property, are in this state if either the income-producing 46726  
activity is performed solely in this state, or the 46727  
income-producing activity is performed both within and without 46728  
this state and a greater proportion of the income-producing 46729  
activity is performed within this state than in any other state, 46730  
based on costs of performance. 46731

For the purposes of division (B)(3) of this section, the tax 46732  
commissioner may adopt rules to apportion sales within this state. 46733

(C) The portion of a taxpayer's Ohio net income taxable by 46734  
each municipal corporation imposing an income tax shall be 46735



determined by multiplying the taxpayer's Ohio net income by the 46736  
sum of the municipal property factor multiplied by one-third, the 46737  
municipal payroll factor multiplied by one-third, and the 46738  
municipal sales factor multiplied by one-third, and subtracting 46739  
from the product so obtained any "municipal net operating loss 46740  
carryforward from prior taxable years." If the denominator of one 46741  
of the factors is zero, the remaining two factors each shall be 46742  
multiplied by one-half instead of one-third; if the denominator of 46743  
two of the factors is zero, the remaining factor shall be 46744  
multiplied by one. In calculating the "municipal net operating 46745  
loss carryforward from prior taxable years" for each municipal 46746  
corporation, net operating losses are apportioned in and out of a 46747  
municipal corporation for the taxable year in which the net 46748  
operating loss occurs in the same manner that positive net income 46749  
would have been so apportioned. Any net operating loss for a 46750  
municipal corporation may be applied to subsequent net income in 46751  
that municipal corporation to reduce that income to zero or until 46752  
the net operating loss has been fully used as a deduction. The 46753  
unused portion of net operating losses for each taxable year 46754  
apportioned to a municipal corporation may only be applied against 46755  
the income apportioned to that municipal corporation for five 46756  
subsequent taxable years. Net operating losses occurring in 46757  
taxable years ending before 2002 may not be subtracted under this 46758  
section. 46759

A taxpayer's municipal property, municipal payroll, and 46760  
municipal sales factors for a municipal corporation shall be 46761  
determined as provided in divisions (C)(1), (2), and (3) of this 46762  
section. 46763

(1) The municipal property factor is the quotient obtained by 46764  
dividing (a) the average value of real and tangible personal 46765  
property owned or rented by the taxpayer and used in business in 46766  
the municipal corporation during the taxable year by (b) the 46767

average value of all of the taxpayer's real and tangible personal 46768  
property owned or rented and used in business during that taxable 46769  
year in this state. The value and average value of such property 46770  
shall be determined in the same manner provided in division (B)(1) 46771  
of this section. 46772

(2) The municipal payroll factor is the quotient obtained by 46773  
dividing (a) the total amount of compensation earned in the 46774  
municipal corporation by the taxpayer's employees during the 46775  
taxable year for services performed for the taxpayer and that is 46776  
subject to income tax withholding by the municipal corporation by 46777  
(b) the total amount of compensation paid by the taxpayer to its 46778  
employees in this state during the taxable year. Compensation has 46779  
the same meaning as in division (B)(2) of this section. 46780

(3) The municipal sales factor is a fraction, the numerator 46781  
of which is the taxpayer's total sales in a municipal corporation 46782  
during the taxable year, and the denominator of which is the 46783  
taxpayer's total sales in this state during such year. 46784

For the purpose of division (C)(3) of this section, sales of 46785  
tangible personal property are in the municipal corporation where 46786  
such property is received in the municipal corporation by the 46787  
purchaser. Sales of electricity directly to the ~~consumer~~ customer, 46788  
as defined in section 5733.059 of the Revised Code, shall be 46789  
considered sales of tangible personal property. In the case of the 46790  
delivery of tangible personal property by common carrier or by 46791  
other means of transportation, the place at which such property 46792  
ultimately is received after all transportation has been completed 46793  
shall be considered as the place at which the property is received 46794  
by the purchaser. Direct delivery in the municipal corporation, 46795  
other than for purposes of transportation, to a person or firm 46796  
designated by a purchaser constitutes delivery to the purchaser in 46797  
that municipal corporation, and direct delivery outside the 46798  
municipal corporation to a person or firm designated by a 46799

purchaser does not constitute delivery to the purchaser in that 46800  
municipal corporation, regardless of where title passes or other 46801  
conditions of sale. Sales, other than sales of tangible personal 46802  
property, are in the municipal corporation if either: 46803

(a) The income-producing activity is performed solely in the 46804  
municipal corporation; 46805

(b) The income-producing activity is performed both within 46806  
and without the municipal corporation and a greater proportion of 46807  
the income-producing activity is performed within that municipal 46808  
corporation than any other location in this state, based on costs 46809  
of performance. 46810

For the purposes of division (C)(3) of this section, the tax 46811  
commissioner may adopt rules to apportion sales within each 46812  
municipal corporation. 46813

(D) If a taxpayer is a combined company as defined in section 46814  
5727.01 of the Revised Code, the municipal property, payroll, and 46815  
sales factors under division (C) of this section shall be adjusted 46816  
as follows: 46817

(1) The numerator of the municipal property factor shall 46818  
include only the value, as determined under division (C)(1) of 46819  
this section, of the company's real and tangible property in the 46820  
municipal corporation attributed to the company's activity as an 46821  
electric company using the same methodology prescribed under 46822  
section 5727.03 of the Revised Code for taxable tangible personal 46823  
property. 46824

(2) The numerator of the municipal payroll factor shall 46825  
include only compensation paid in the municipal corporation by the 46826  
company to its employees for personal services rendered in the 46827  
company's activity as an electric company. 46828

(3) The numerator of the municipal sales factor shall include 46829  
only the sales of tangible personal property and services, as 46830

determined under division (C)(3) of this section, made in the 46831  
municipal corporation in the course of the company's activity as 46832  
an electric company. 46833

(E)(1) If the provisions for apportioning adjusted federal 46834  
taxable income or Ohio net income under divisions (B), (C), and 46835  
(D) of this section do not fairly represent business activity in 46836  
this state or among municipal corporations, the tax commissioner 46837  
may adopt rules for apportioning such income by an alternative 46838  
method that fairly represents business activity in this state or 46839  
among municipal corporations. 46840

(2) If any of the factors determined under division (B), (C), 46841  
or (D) of this section does not fairly represent the extent of a 46842  
taxpayer's business activity in this state or among municipal 46843  
corporations, the taxpayer may request, or the tax commissioner 46844  
may require, that the taxpayer's adjusted federal taxable income 46845  
or Ohio net income be determined by an alternative method, 46846  
including any of the alternative methods enumerated in division 46847  
(B)(2)(d) of section 5733.05 of the Revised Code. A taxpayer 46848  
requesting an alternative method shall make the request in writing 46849  
to the tax commissioner either with the annual report, a timely 46850  
filed amended report, or a timely filed petition for reassessment. 46851  
When the tax commissioner requires or permits an alternative 46852  
method under division (E)(2) of this section, the tax commissioner 46853  
shall cause a written notice to that effect to be delivered to any 46854  
municipal corporation that would be affected by application of the 46855  
alternative method. Nothing in this division shall be construed to 46856  
extend any statute of limitations under this chapter. 46857

(F)(1) The tax commissioner may adopt rules providing for the 46858  
combination of adjusted federal taxable incomes of taxpayers 46859  
satisfying the ownership or control requirements of section 46860  
5733.052 of the Revised Code if the tax commissioner finds that 46861  
such combinations are necessary to properly reflect adjusted 46862

federal taxable income, Ohio net income, or the portion of Ohio net income to be taxable by municipal corporations. 46863  
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(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. 46865  
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(G) The tax commissioner may adopt rules providing for alternative apportionment methods for a telephone company. 46875  
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**Sec. 5745.05.** (A) Prior to the first day of March, June, September, and December, the tax commissioner shall certify to the director of budget and management the amount to be paid to each municipal corporation, as indicated on the declaration of estimated tax reports and annual reports received under sections 5745.03 and 5745.04 of the Revised Code, less any amounts previously distributed and net of any audit adjustments made by the tax commissioner. Not later than the first day of March, June, September, and December, the director of budget and management shall provide for payment of the amount certified to each municipal corporation from the municipal income tax fund, plus a pro rata share of any investment earnings accruing to the fund since the previous payment under this section apportioned among municipal corporations entitled to such payments in proportion to the amount certified by the tax commissioner. 46877  
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(B) If the tax commissioner determines that the amount of tax paid by a taxpayer and distributed to a municipal corporation 46892  
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under this section for a taxable year exceeds the amount payable 46894  
to that municipal corporation under this chapter after accounting 46895  
for amounts remitted with the annual report and as estimated 46896  
taxes, the tax commissioner shall permit the taxpayer to credit 46897  
the excess against the taxpayer's payments to the municipal 46898  
corporation of estimated taxes remitted for an ensuing taxable 46899  
year under section 5745.04 of the Revised Code. If, upon the 46900  
written request of the taxpayer, the tax commissioner determines 46901  
that the excess to be so credited is likely to exceed the amount 46902  
of estimated taxes payable by the taxpayer to the municipal 46903  
corporation during the ensuing twelve months, the tax commissioner 46904  
shall so notify the municipal corporation and the municipal 46905  
corporation shall issue a refund of the excess to the taxpayer 46906  
within ninety days after receiving such a notice. Interest shall 46907  
accrue on the amount to be refunded and is payable to the taxpayer 46908  
at the rate per annum prescribed by section 5703.47 of the Revised 46909  
Code from the ninety-first day after the notice is received by the 46910  
municipal corporation until the day the refund is paid. 46911  
Immediately after notifying a municipal corporation under this 46912  
division of an excess to be refunded, the commissioner also shall 46913  
notify the director of budget and management of the amount of the 46914  
excess, and the director shall transfer from the municipal income 46915  
tax administrative fund to the municipal income tax fund one and 46916  
one-half per cent of the amount of the excess. The commissioner 46917  
shall include the transferred amount in the computation of the 46918  
amount due the municipal corporation in the next certification to 46919  
the director under division (A) of this section. 46920

**Sec. 5745.13.** If, upon examination of any books, records, 46921  
reports, or other documents of a taxpayer, the tax commissioner 46922  
determines that an adjustment shall be made in the portion of the 46923  
taxpayer's income that is to be apportioned to a municipal 46924  
corporation, the tax commissioner shall notify the taxpayer and, 46925

if the adjustment causes an adjustment in the taxpayer's tax owed 46926  
to a municipal corporation for the taxpayer's taxable year of more 46927  
than five hundred dollars, shall notify ~~each affected~~ that 46928  
municipal corporation that the taxpayer's tax has been adjusted. 46929

Any municipal corporation to which such a notice is issued 46930  
may request a review and redetermination of the taxpayer's federal 46931  
taxable income, Ohio net income, or the portion of Ohio net income 46932  
apportioned to the municipal corporation by filing a petition with 46933  
the tax commissioner not later than sixty days after the tax 46934  
commissioner issues the notice. The petition shall be filed either 46935  
personally or by certified mail, and shall indicate the objections 46936  
of the municipal corporation. 46937

Upon receiving such a petition, if a hearing is requested the 46938  
tax commissioner shall assign a time and place for a hearing on 46939  
the petition and shall notify the petitioner of the time and place 46940  
of the hearing by ordinary mail. The tax commissioner may continue 46941  
the hearing from time to time as necessary. The tax commissioner 46942  
shall make any correction to the taxpayer's federal taxable 46943  
income, Ohio net income, or apportionment of Ohio net income that 46944  
the commissioner finds proper, and issue notice of any correction 46945  
by ordinary mail to the petitioner, to each other municipal 46946  
corporation affected by the correction of the apportionment, and 46947  
to the taxpayer. The tax commissioner's decision on the matter is 46948  
final, and is not subject to further appeal. 46949

**Sec. 5747.03.** (A) All money collected under this chapter 46950  
arising from the taxes imposed by section 5747.02 or 5747.41 of 46951  
the Revised Code shall be credited to the general revenue fund, 46952  
except that the treasurer of state shall: 46953

~~(1) Credit an amount equal to four and two tenths per cent of 46954  
those taxes collected under this chapter to the local government 46955  
fund, which is hereby created in the state treasury, for 46956~~

~~distribution in accordance with section 5747.50 of the Revised Code;~~ 46957  
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~~(2) Credit an amount equal to five and seven tenths per cent of those taxes collected under this chapter to the library and local government support fund, which is hereby created in the state treasury, for distribution in accordance with section 5747.47 of the Revised Code;~~ 46959  
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~~(3) At, at the beginning of each calendar quarter, credit to the Ohio political party fund, pursuant to section 3517.16 of the Revised Code, an amount equal to the total dollar value realized from the taxpayer exercise of the income tax checkoff option on tax forms processed during the preceding calendar quarter;~~ 46964  
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~~(4) Credit an amount equal to six tenths of one per cent of those taxes collected under this chapter to the local government revenue assistance fund for distribution in accordance with section 5747.61 of the Revised Code.~~ 46969  
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(B)(1) Following the crediting of moneys pursuant to division (A) of this section, the remainder deposited in the general revenue fund shall be distributed pursuant to division (F) of section 321.24 and section 323.156 of the Revised Code; to make subsidy payments to institutions of higher education from appropriations to the Ohio board of regents; to support expenditures for programs and services for the mentally ill, mentally retarded, developmentally disabled, and elderly; for primary and secondary education; for medical assistance; and for any other purposes authorized by law, subject to the limitation that at least fifty per cent of the income tax collected by the state from the tax imposed by section 5747.02 of the Revised Code shall be returned pursuant to Section 9 of Article XII, Ohio Constitution. 46973  
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(2) To ensure that such constitutional requirement is 46987



satisfied the tax commissioner shall, on or before the thirtieth day of June of each year, from the best information available to the tax commissioner, determine and certify for each county to the director of budget and management the amount of taxes collected under this chapter from the tax imposed under section 5747.02 of the Revised Code during the preceding calendar year that are required to be returned to the county by Section 9 of Article XII, Ohio Constitution. The director shall provide for payment from the general revenue fund to the county in the amount, if any, that the sum of the amount so certified for that county exceeds the sum of the following:

(a) The sum of the payments from the general revenue fund for 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 47020  
during the preceding calendar year from the library and local 47021  
government support fund+ 47022

~~(e) The amount distributed to the county during the preceding~~ 47023  
~~calendar year from the local government revenue assistance fund~~ 47024  
and, in the case of payments made by the director under this 47025  
division in subsequent calendar years, the amount distributed to 47026  
the county from the local libraries fund. 47027

Payments under this division shall be credited to the 47028  
county's undivided income tax fund, except that, notwithstanding 47029  
section 5705.14 of the Revised Code, such payments may be 47030  
transferred by the board of county commissioners to the county 47031  
general fund by resolution adopted with the affirmative vote of 47032  
two-thirds of the members thereof. 47033

(C) All payments received in each month from taxes imposed 47034  
under Chapter 5748. of the Revised Code and any penalties or 47035  
interest thereon shall be paid into the school district income tax 47036  
fund, which is hereby created in the state treasury, except that 47037  
an amount equal to the following portion of such payments shall be 47038  
paid into the general school district income tax administrative 47039  
fund, which is hereby created in the state treasury: 47040

(1) One and three-quarters of one per cent of those received 47041  
in fiscal year 1996; 47042

(2) One and one-half per cent of those received in fiscal 47043  
year 1997 and thereafter. 47044

Money in the school district income tax administrative fund 47045  
shall be used by the tax commissioner to defray costs incurred in 47046  
administering the school district's income tax, including the cost 47047  
of providing employers with information regarding the rate of tax 47048  
imposed by any school district. Any moneys remaining in the fund 47049  
after such use shall be deposited in the school district income 47050

tax fund. 47051

All interest earned on moneys in the school district income 47052  
tax fund shall be credited to the fund. 47053

(D)(1)(a) Within thirty days of the end of each calendar 47054  
quarter ending on the last day of March, June, September, and 47055  
December, the director of budget and management shall make a 47056  
payment from the school district income tax fund to each school 47057  
district for which school district income tax revenue was received 47058  
during that quarter. The amount of the payment shall equal the 47059  
balance in the school district's account at the end of that 47060  
quarter. 47061

(b) After a school district ceases to levy an income tax, the 47062  
director of budget and management shall adjust the payments under 47063  
division (D)(1)(a) of this section to retain sufficient money in 47064  
the school district's account to pay refunds. For the calendar 47065  
quarters ending on the last day of March and December of the 47066  
calendar year following the last calendar year the tax is levied, 47067  
the director shall make the payments in the amount required under 47068  
division (D)(1)(a) of this section. For the calendar quarter 47069  
ending on the last day of June of the calendar year following the 47070  
last calendar year the tax is levied, the director shall make a 47071  
payment equal to nine-tenths of the balance in the account at the 47072  
end of that quarter. For the calendar quarter ending on the last 47073  
day of September of the calendar year following the last calendar 47074  
year the tax is levied, the director shall make no payment. For 47075  
the second and succeeding calendar years following the last 47076  
calendar year the tax is levied, the director shall make one 47077  
payment each year, within thirty days of the last day of June, in 47078  
an amount equal to the balance in the district's account on the 47079  
last day of June. 47080

(2) Moneys paid to a school district under this division 47081  
shall be deposited in its school district income tax fund. All 47082

interest earned on moneys in the school district income tax fund 47083  
shall be apportioned by the tax commissioner pro rata among the 47084  
school districts in the proportions and at the times the districts 47085  
are entitled to receive payments under this division. 47086

**Sec. 5747.46.** As used in sections 5747.46 and 5747.47 of the 47087  
Revised Code: 47088

(A) "Year's fund balance" means the amount credited to the 47089  
~~library and local government support libraries~~ fund during a 47090  
calendar year. 47091

(B) "Distribution year" means the calendar year during which 47092  
a year's fund balance is distributed under section 5747.47 of the 47093  
Revised Code. 47094

(C) "CPI" means the consumer price index for all urban 47095  
consumers (United States city average, all items), prepared by the 47096  
United States department of labor, bureau of labor statistics. 47097

(D) "Inflation factor" means the quotient obtained by 47098  
dividing the CPI for May of the year preceding the distribution 47099  
year by the CPI for May of the second preceding year. If the ~~the~~ 47100  
quotient so obtained is less than one, the inflation factor shall 47101  
equal one. 47102

(E) "Population" means whichever of the following has most 47103  
recently been issued, as of the first day of June preceding the 47104  
distribution year: 47105

(1) The most recent decennial census figures that include 47106  
population figures for each county in the state; 47107

(2) The most current issue of "Current Population Reports: 47108  
Local Population Estimates" issued by the United States bureau of 47109  
the census that contains population estimates for each county in 47110  
the state and the state. 47111

(F) "County's equalization ratio for a distribution year" 47112

means a percentage computed for that county as follows: 47113

(1) Square the per cent that the county's population is of 47114  
the state's population; 47115

(2) Divide the product so obtained by the per cent that the 47116  
county's total entitlement for the preceding year is of all 47117  
counties' total entitlements for the preceding year; 47118

(3) Divide the quotient so obtained by the sum of the 47119  
quotients so obtained for all counties. 47120

(G) "Total entitlement" means, with respect to a distribution 47121  
year, the sum of a county's guaranteed share plus its share of the 47122  
excess. 47123

(1) "Guaranteed share" means, for a distribution year, the 47124  
product obtained by multiplying a county's total entitlement for 47125  
the preceding distribution year by the inflation factor. If the 47126  
sum of the guaranteed shares for all counties exceeds the year's 47127  
fund balance, the guaranteed shares of all counties shall be 47128  
reduced by a percentage that will result in the sum of such 47129  
guaranteed shares being equal to the year's fund balance. 47130

(2) "Share of excess" means, for a distribution year, the 47131  
product obtained by multiplying a county's equalization ratio by 47132  
the difference between the year's fund balance and the sum of the 47133  
guaranteed shares for all counties. If the sum of the guaranteed 47134  
shares for all counties exceeds the year's fund balance the share 47135  
of the excess for all counties is zero. 47136

(H) "Net distribution" means the sum of the payments made to 47137  
a county's ~~library and local government support libraries~~ fund 47138  
during a distribution year, adjusted as follows: 47139

(1) If the county received an overpayment during the 47140  
preceding distribution year, add the amount of the overpayment; 47141

(2) If the county received an underpayment during the 47142

preceding distribution year, deduct the amount of the 47143  
underpayment. 47144

(I) "Overpayment" or "underpayment" for a distribution year 47145  
means the amount by which the net distribution to a county's 47146  
~~library and local government support libraries~~ fund during that 47147  
distribution year exceeded or was less than the county's total 47148  
entitlement for that year. 47149

All computations made under this section shall be rounded to 47150  
the nearest one-hundredth of one per cent. 47151

**Sec. 5747.47.** (A)(1) By the twentieth day of July of each 47152  
year, the tax commissioner shall estimate and certify the 47153  
following for each county to its county auditor: 47154

- (a) Its guaranteed share of the ensuing year's fund balance; 47155
- (b) Its share of the excess of the ensuing year's fund 47156  
balance; 47157
- (c) Its total entitlement. 47158

(2) In December and in June following such estimations and 47159  
certifications, the commissioner shall revise such estimates and 47160  
certify such revised estimates to the respective county auditors. 47161

(B) By the tenth day of each month the commissioner shall 47162  
distribute the amount credited to the ~~library and local government~~ 47163  
~~support libraries~~ fund ~~from taxes collected under this chapter~~ 47164  
~~during the preceding month~~ in the current month under section 47165  
131.51 of the Revised Code. The distributions shall be made as 47166  
follows: 47167

(1) During the first six months of each year, each county 47168  
shall be paid a percentage of the balance that is the same per 47169  
cent that the revised estimate of the county's total entitlement 47170  
certified in December under division (A)(2) of this section is of 47171  
the sum of such revised estimates of the total entitlements for 47172

all counties. 47173

(2) During the last six months, each county shall be paid a 47174  
percentage of the balance that is the same per cent that the 47175  
revised estimate of the county's total entitlement certified in 47176  
June under division (A)(2) of this section is of the sum of such 47177  
revised estimates of the total entitlements for all counties. 47178

(3) During each of the first six months of each year, the 47179  
payments made to each county shall be adjusted as follows: 47180

(a) If the county received an overpayment during the 47181  
preceding distribution year, reduce the sum of the payments by the 47182  
amount of such overpayment. The reduction shall be apportioned 47183  
over the six months. 47184

(b) If the county received an underpayment during the 47185  
preceding distribution year, increase the sum of the payments by 47186  
the amount of such underpayment. The increase shall be apportioned 47187  
over the six months. 47188

(C) By the twentieth day of December of each year, the tax 47189  
commissioner shall determine and certify to the auditor of each 47190  
county each of the following with respect to the current 47191  
distribution year: 47192

(1) The year's fund balance; 47193

(2) Each county's guaranteed share; 47194

(3) Each county's share of the excess; 47195

(4) Each county's total entitlement; 47196

(5) Each county's net distribution; 47197

(6) The amount by which each county's net distribution 47198  
exceeded or was less than its total entitlement, which amount 47199  
shall constitute the county's overpayment or underpayment for 47200  
purposes of division (B)(3) of this section in the ensuing 47201  
distribution year. 47202

**Sec. 5747.48.** On the fifteenth day of each month, the county treasurer shall distribute the balance in the county ~~library and~~ local ~~government support~~ libraries fund among the county, boards of public library trustees, municipal corporations, and boards of township park commissioners for which the county budget commission has fixed an allocation from the fund in that year in accordance with section 5705.32 of the Revised Code in the same proportions that each such entity's allocation as fixed by the commission is of the total of all such allocations in that year.

All money received into the treasury of a municipal corporation or county shall be credited to the general fund therein, provided that in a municipal corporation there shall be credited to the funds established under division (D) of section 5705.09 of the Revised Code a portion of the total amount to be credited to funds of the municipal corporation, which portion shall be determined by multiplying the total amount to be credited by the percentage that the funds credited under division (D) of said section in 1938 bore to all the funds credited under said section in 1938. If a municipal corporation is in default with respect to the principal or interest of any outstanding notes or bonds, the moneys distributed under this section shall be credited to the funds established under divisions (A), (B), (C), and (D) of section 5705.09 of the Revised Code, in the same proportion in which the funds derived from the levy for the previous year on the general tax list and duplicate are divided.

**Sec. 5747.50.** (A) As used in this section:

(1) "County's proportionate share of the calendar year 2007 LGF and LGRAF distributions" means the percentage computed for the county under division (B)(1)(a) of section 5747.501 of the Revised Code ~~for use in the current calendar year.~~



~~(2) "1983 share" means the sum of all payments made to a county under section 5747.50 of the Revised Code during 1983 under all versions of such section that were in effect during such year 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 47265  
shall be used for making the distributions during the current 47266  
calendar year. 47267

(3) "2007 LGF and LGRAF county distribution base available in 47268  
that month" means the lesser of the amounts described in division 47269  
(A)(3)(a) and (b) of this section, provided that the amount shall 47270  
not be less than zero: 47271

(a) The total amount available for distribution to counties 47272  
from the local communities fund during the current month. 47273

(b) The total amount distributed to counties from the local 47274  
government fund and the local government revenue assistance fund 47275  
to counties in calendar year 2007 less the total amount 47276  
distributed to counties under division (B)(1) of this section 47277  
during previous months of the current calendar year. 47278

(4) "Local communities fund additional revenue distribution 47279  
base available during that month" means the total amount available 47280  
for distribution to counties during the month from the local 47281  
communities fund, less any amounts to be distributed in that month 47282  
from the local communities fund under division (B)(1) of this 47283  
section, provided that the local communities fund additional 47284  
revenue distribution base available during that month shall not be 47285  
less than zero. 47286

(5) "Total amount available for distribution to counties" 47287  
means the total amount available for distribution from the local 47288  
communities fund during the current month less the total amount 47289  
available for distribution to municipal corporations during the 47290  
current month under division (C) of this section. 47291

(B) On or before the tenth day of each month, the tax 47292  
commissioner shall provide for payment to ~~the county treasurer~~ of 47293  
each county ~~of~~ an amount equal to the sum of: 47294

(1) The county's proportionate share of the calendar year 47295

2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 47296  
LGRAF county distribution base available in that month, provided 47297  
that if the 2007 LGF and LGRAF county distribution base available 47298  
in that month is zero, no payment shall be made under division 47299  
(B)(1) of this section for the month or the remainder of the 47300  
calendar year; and 47301

(2) The county's proportionate share of the total amount of 47302  
the local ~~government~~ communities fund additional revenue formula 47303  
multiplied by the local communities fund additional revenue 47304  
distribution base available ~~for distribution~~ during that month 47305  
under this division, except as otherwise provided and in such a 47306  
way that on the last day of each calendar year, each county shall 47307  
have received an amount equal to its proportionate share of the 47308  
amount available for distribution under this division during that 47309  
year. Counties whose proportionate shares are less than their 1983 47310  
shares shall receive an amount equal to their 1983 shares during 47311  
the year in lieu of their proportionate shares, and the amounts 47312  
required to be paid to all other counties shall be proportionately 47313  
reduced to fund such deficiency. If any county receives payments 47314  
in any year that exceed the amount to which it is entitled, that 47315  
excess shall be deducted from the payments due the county in the 47316  
ensuing calendar year and apportioned among and paid to the 47317  
counties that did not receive any such excess. 47318

The amount paid to any county in any month shall not be less 47319  
than twenty five thousand dollars unless a smaller payment is 47320  
required in order to avoid paying that county more during the year 47321  
than the amount to which it is entitled for that year. 47322

Money received into the treasury of a county under this 47323  
division shall be credited to the undivided local ~~government~~ 47324  
communities fund in the treasury of the county on or before the 47325  
fifteenth day of each month. The On or before the twentieth day of 47326  
each month, the county auditor shall issue warrants against all of 47327

the undivided local ~~government~~ communities fund in the county 47328  
treasury in the respective amounts allowed as provided in section 47329  
5747.51 of the Revised Code, and the treasurer shall distribute 47330  
and pay such sums to the subdivision therein. 47331

(C)(1) As used in division (C) of this section: 47332

(a) "Total amount available for distribution to 47333  
municipalities during the current month" means the product 47334  
obtained by multiplying the total amount available for 47335  
distribution from the local communities fund during the current 47336  
month by the aggregate municipal share. 47337

(b) "Aggregate municipal share" means the quotient obtained 47338  
by dividing the total amount distributed directly from the local 47339  
government fund to municipal corporations during calendar year 47340  
2007 by the total distributions from the local government fund and 47341  
local government revenue assistance fund during calendar year 47342  
2007. 47343

(2) On or before the tenth day of each month, the tax 47344  
commissioner shall provide for payment from the local communities 47345  
fund to each ~~municipal corporation which had in effect during the 47346  
preceding calendar year a tax imposed under Chapter 718. of the 47347  
Revised Code. The amount paid to each municipal corporation shall 47348  
bear the same~~ an amount equal to the product derived by 47349  
multiplying the municipal corporation's percentage ~~to~~ of the total 47350  
amount ~~to be~~ distributed to all such municipal corporations under 47351  
this division as ~~the total income taxes collected by such 47352  
municipal corporation during the second~~ calendar year preceding 47353  
the year in which distribution is made bears to the total amount 47354  
of such taxes collected by all municipal corporations during such 47355  
period 2007 by the total amount available for distribution to 47356  
municipal corporations during the current month. ~~Payments~~ 47357

(3) Payments received by a municipal corporation under this 47358

division shall be paid into its general fund and may be used for 47359  
any lawful purpose. 47360

(4) The amount distributed to municipal corporations under 47361  
this division during any calendar year shall not exceed the amount 47362  
distributed directly from the local government fund to municipal 47363  
corporations during calendar year 2007. If that maximum amount is 47364  
reached during any month, distributions to municipal corporations 47365  
in that month shall be as provided in divisions (C)(1) and (2) of 47366  
this section, but no further distributions shall be made to 47367  
municipal corporations under division (C) of this section during 47368  
the remainder of the calendar year. 47369

(5) Upon being informed of a municipal corporation's 47370  
dissolution, the tax commissioner shall cease providing for 47371  
payments to that municipal corporation under division (C) of this 47372  
section. The proportionate shares of the total amount available 47373  
for distribution to each of the remaining municipal corporations 47374  
under this division shall be increased on a pro rata basis. 47375

(D) Each municipal corporation which has in effect a tax 47376  
imposed under Chapter 718. of the Revised Code shall, no later 47377  
than the thirty-first day of August of each year, certify to the 47378  
tax commissioner the total amount of income taxes collected by 47379  
such municipal corporation pursuant to such chapter during the 47380  
preceding calendar year. The tax commissioner ~~shall~~ may withhold 47381  
payment of local ~~government~~ communities fund moneys pursuant to 47382  
division (C) of this section from any municipal corporation for 47383  
failure to comply with this reporting requirement. 47384

**Sec. 5747.501.** (A) ~~By~~ On or before the fifteenth twenty-fifth 47385  
day of ~~December~~ July of each year, the tax commissioner shall 47386  
estimate and certify to each county auditor the amount to be ~~paid~~ 47387  
~~into~~ distributed from the local ~~government~~ communities fund ~~for~~ 47388  
~~distribution~~ to each undivided local communities fund during the 47389

following calendar year under section 5747.50 of the Revised Code. 47390  
The ~~commissioner estimate~~ shall then determine equal the sum of 47391  
the separate amounts that would be paid to each county if the 47392  
amount so certified were distributed computed under divisions 47393  
(A)(B)(1) and (2) of this section as follows: 47394

~~(1)(a) As used in this division and in section 5747.50 of the~~ 47396  
~~Revised Code, "deposit tax revenue" means one hundred forty five~~ 47397  
~~and forty five one hundredths per cent of the payments made to the~~ 47398  
~~county's undivided local government fund in 1983 from the tax~~ 47399  
~~imposed on deposits under division (C) of section 5707.03 of the~~ 47400  
~~Revised Code.~~ 47401

~~(b) Compute each county's deposit tax revenue.~~ 47402

~~(c) Determine how much each county would receive if~~ 47403  
~~nine tenths of the difference between the amount certified under~~ 47404  
~~division (A) of this section and the sum of all counties' deposit~~ 47405  
~~tax revenues, less six million dollars, were allocated among the~~ 47406  
~~counties in the following year as follows:~~ 47407

~~(i) Seventy five per cent of said amount shall be apportioned~~ 47408  
~~in the ratio that the total of the real, public utility, and~~ 47409  
~~tangible personal property tax duplicates of the municipal~~ 47410  
~~corporations, or parts thereof, in the county for the year next~~ 47411  
~~preceding the year in which the computation is made bears to the~~ 47412  
~~total aggregate real, public utility, and tangible personal~~ 47413  
~~property tax duplicates of all the municipal corporations in the~~ 47414  
~~state for the same year.~~ 47415

~~(ii) Twenty five per cent shall be apportioned among all the~~ 47416  
~~counties in the ratio that the population of the county at the~~ 47417  
~~last federal decennial census bears to the total population of the~~ 47418  
~~state.~~ 47419

~~(iii) Adjust the sum of the allocations under divisions~~ 47420

~~(A)(1)(c)(i) and (ii) for each county so that the sum allocated to each county under those divisions is at least two hundred twenty five thousand dollars. If such an adjustment is made, the sum of the apportionments to the counties for which no adjustment is necessary shall be proportionately reduced so that the sum of the allocations to all counties equals the amount to be allocated under divisions (A)(1)(c)(i) to (iii) of this section.~~

~~(d) Add the amount allocated to each county under division (A)(1)(c) to its deposit tax revenue.~~

~~(2) Determine how much each county would receive if nine tenths of the amount certified by the commissioner, less six million dollars, were allocated in the manner prescribed by division (A)(1)(c) of this section.~~

~~(B) Upon the completion of the computations required by division (A) of this section, the commissioner shall assign to each county, the amount computed for it under division (A)(1)(d) of this section or the amount computed under division (A)(2) of this section, whichever is the higher amount, and compute the percent that the assigned amount for each county is of the sum of the assigned amounts for all counties. The percentage so computed shall be the proportionate share of the county for the following calendar year for purposes of making the distributions required by section 5747.50 of the Revised Code (1) The product obtained by multiplying the percentage described in division (B)(1)(a) of this section by the amount described in division (B)(1)(b) of this section.~~

~~(a) Each county's proportionate share of the total amount distributed to the counties from the local government fund and the local government revenue assistance fund during calendar year 2007.~~

~~(b) The total amount distributed to counties from the local~~

government fund and the local government revenue assistance fund 47452  
during calendar year 2007 adjusted downward if, and to the extent 47453  
that, total local communities fund distributions to counties for 47454  
the following year are projected to be less than what was 47455  
distributed to counties from the local government fund and local 47456  
government revenue assistance fund during calendar year 2007. 47457

(2) The product obtained by multiplying the percentage 47458  
described in division (B)(2)(a) of this section by the amount 47459  
described in division (B)(2)(b) of this section. 47460

(a) Each county's proportionate share of the state's 47461  
population as reflected in the most recent federal decennial 47462  
census or the federal government's most recent census estimates, 47463  
whichever represents the most recent year. 47464

(b) The amount by which total estimated distributions from 47465  
the local communities fund during the immediately succeeding 47466  
calendar year, less the total estimated amount to be distributed 47467  
from the fund to municipal corporations under division (C) of 47468  
section 5747.50 of the Revised Code during the immediately 47469  
succeeding calendar year, exceed the total amount distributed to 47470  
counties from the local government fund and local government 47471  
revenue assistance fund during calendar year 2007. 47472

**Sec. 5747.51.** (A) ~~Within ten days after~~ On or before the 47473  
~~fifteenth~~ twenty-fifth day of July of each year, the tax 47474  
commissioner shall make and certify to the county auditor of each 47475  
county an estimate of the amount of the local ~~government~~ 47476  
~~communities~~ fund to be allocated to the undivided local ~~government~~ 47477  
~~communities~~ fund of each county for the ensuing calendar year and 47478  
the estimated amount to be received by the undivided local 47479  
~~government~~ communities fund of each county from the taxes levied 47480  
pursuant to section 5707.03 of the Revised Code for the ensuing 47481  
calendar year. 47482



(B) At each annual regular session of the county budget 47483  
commission convened pursuant to section 5705.27 of the Revised 47484  
Code, each auditor shall present to the commission the certificate 47485  
of the commissioner, the annual tax budget and estimates, and the 47486  
records showing the action of the commission in its last preceding 47487  
regular session. The estimates shown on the certificate of the 47488  
commissioner of the amount to be allocated from the local 47489  
~~government~~ communities fund and the amount to be received from 47490  
taxes levied pursuant to section 5707.03 of the Revised Code shall 47491  
be combined into one total comprising the estimate of the 47492  
undivided local ~~government~~ communities fund of the county. The 47493  
commission, after extending to the representatives of each 47494  
subdivision an opportunity to be heard, under oath administered by 47495  
any member of the commission, and considering all the facts and 47496  
information presented to it by the auditor, shall determine the 47497  
amount of the undivided local ~~government~~ communities fund needed 47498  
by and to be apportioned to each subdivision for current operating 47499  
expenses, as shown in the tax budget of the subdivision. This 47500  
determination shall be made pursuant to divisions (C) to (I) of 47501  
this section, unless the commission has provided for a formula 47502  
pursuant to section 5747.53 of the Revised Code. 47503

Nothing in this section prevents the budget commission, for 47504  
the purpose of apportioning the undivided local ~~government~~ 47505  
communities fund, from inquiring into the claimed needs of any 47506  
subdivision as stated in its tax budget, or from adjusting claimed 47507  
needs to reflect actual needs. For the purposes of this section, 47508  
"current operating expenses" means the lawful expenditures of a 47509  
subdivision, except those for permanent improvements and except 47510  
payments for interest, sinking fund, and retirement of bonds, 47511  
notes, and certificates of indebtedness of the subdivision. 47512

(C) The commission shall determine the combined total of the 47513  
estimated expenditures, including transfers, from the general fund 47514

and any special funds other than special funds established for 47515  
road and bridge; street construction, maintenance, and repair; 47516  
state highway improvement; and gas, water, sewer, and electric 47517  
public utilities operated by a subdivision, as shown in the 47518  
subdivision's tax budget for the ensuing calendar year. 47519

(D) From the combined total of expenditures calculated 47520  
pursuant to division (C) of this section, the commission shall 47521  
deduct the following expenditures, if included in these funds in 47522  
the tax budget: 47523

(1) Expenditures for permanent improvements as defined in 47524  
division (E) of section 5705.01 of the Revised Code; 47525

(2) In the case of counties and townships, transfers to the 47526  
road and bridge fund, and in the case of municipalities, transfers 47527  
to the street construction, maintenance, and repair fund and the 47528  
state highway improvement fund; 47529

(3) Expenditures for the payment of debt charges; 47530

(4) Expenditures for the payment of judgments. 47531

(E) In addition to the deductions made pursuant to division 47532  
(D) of this section, revenues accruing to the general fund and any 47533  
special fund considered under division (C) of this section from 47534  
the following sources shall be deducted from the combined total of 47535  
expenditures calculated pursuant to division (C) of this section: 47536

(1) Taxes levied within the ten-mill limitation, as defined 47537  
in section 5705.02 of the Revised Code; 47538

(2) The budget commission allocation of estimated county 47539  
~~library and local government support libraries~~ fund revenues to be 47540  
distributed pursuant to section 5747.48 of the Revised Code; 47541

(3) Estimated unencumbered balances as shown on the tax 47542  
budget as of the thirty-first day of December of the current year 47543  
in the general fund, but not any estimated balance in any special 47544

fund considered in division (C) of this section; 47545

(4) Revenue, including transfers, shown in the general fund 47546  
and any special funds other than special funds established for 47547  
road and bridge; street construction, maintenance, and repair; 47548  
state highway improvement; and gas, water, sewer, and electric 47549  
public utilities, from all other sources except those that a 47550  
subdivision receives from an additional tax or service charge 47551  
voted by its electorate or receives from special assessment or 47552  
revenue bond collection. For the purposes of this division, where 47553  
the charter of a municipal corporation prohibits the levy of an 47554  
income tax, an income tax levied by the legislative authority of 47555  
such municipal corporation pursuant to an amendment of the charter 47556  
of that municipal corporation to authorize such a levy represents 47557  
an additional tax voted by the electorate of that municipal 47558  
corporation. For the purposes of this division, any measure 47559  
adopted by a board of county commissioners pursuant to section 47560  
322.02, 324.02, 4504.02, or 5739.021 of the Revised Code, 47561  
including those measures upheld by the electorate in a referendum 47562  
conducted pursuant to section 322.021, 324.021, 4504.021, or 47563  
5739.022 of the Revised Code, shall not be considered an 47564  
additional tax voted by the electorate. 47565

Subject to division (G) of section 5705.29 of the Revised 47566  
Code, money in a reserve balance account established by a county, 47567  
township, or municipal corporation under section 5705.13 of the 47568  
Revised Code shall not be considered an unencumbered balance or 47569  
revenue under division (E)(3) or (4) of this section. Money in a 47570  
reserve balance account established by a township under section 47571  
5705.132 of the Revised Code shall not be considered an 47572  
unencumbered balance or revenue under division (E)(3) or (4) of 47573  
this section. 47574

If a county, township, or municipal corporation has created 47575  
and maintains a nonexpendable trust fund under section 5705.131 of 47576



Less than forty-one per cent	Sixty per cent	47609
Forty-one per cent or more but less		47610
than eighty-one per cent	Fifty per cent	47611
Eighty-one per cent or more	Thirty per cent	47612

Where the proportionate share of the county exceeds the 47613  
limitations established in this division, the budget commission 47614  
shall adjust the proportionate shares determined pursuant to this 47615  
division so that the proportionate share of the county does not 47616  
exceed these limitations, and it shall increase the proportionate 47617  
shares of all other subdivisions on a pro rata basis. In counties 47618  
having a population of less than one hundred thousand, not less 47619  
than ten per cent shall be distributed to the townships therein. 47620

(I) The proportionate share of each subdivision in the 47621  
undivided local ~~government~~ communities fund determined pursuant to 47622  
division (H) of this section for any calendar year shall not be 47623  
less than the product of the average of the percentages of the 47624  
undivided local government fund of the county as apportioned to 47625  
that subdivision for the calendar years 1968, 1969, and 1970, 47626  
multiplied by the total amount of the undivided local government 47627  
fund of the county apportioned pursuant to former section 5735.23 47628  
of the Revised Code for the calendar year 1970. For the purposes 47629  
of this division, the total apportioned amount for the calendar 47630  
year 1970 shall be the amount actually allocated to the county in 47631  
1970 from the state collected intangible tax as levied by section 47632  
5707.03 of the Revised Code and distributed pursuant to section 47633  
5725.24 of the Revised Code, plus the amount received by the 47634  
county in the calendar year 1970 pursuant to division (B)(1) of 47635  
former section 5739.21 of the Revised Code, and distributed 47636  
pursuant to former section 5739.22 of the Revised Code. If the 47637  
total amount of the undivided local ~~government~~ communities fund 47638  
for any calendar year is less than the amount of the undivided 47639  
local government fund apportioned pursuant to former section 47640  
5739.23 of the Revised Code for the calendar year 1970, the 47641

minimum amount guaranteed to each subdivision for that calendar 47642  
year pursuant to this division shall be reduced on a basis 47643  
proportionate to the amount by which the amount of the undivided 47644  
local ~~government~~ communities fund for that calendar year is less 47645  
than the amount of the undivided local government fund apportioned 47646  
for the calendar year 1970. 47647

(J) On the basis of such apportionment, the county auditor 47648  
shall compute the percentage share of each such subdivision in the 47649  
undivided local ~~government~~ communities fund and shall at the same 47650  
time certify to the tax commissioner the percentage share of the 47651  
county as a subdivision. No payment shall be made from the 47652  
undivided local ~~government~~ communities fund, except in accordance 47653  
with such percentage shares. 47654

Within ten days after the budget commission has made its 47655  
apportionment, whether conducted pursuant to section 5747.51 or 47656  
5747.53 of the Revised Code, the auditor shall publish a list of 47657  
the subdivisions and the amount each is to receive from the 47658  
undivided local ~~government~~ communities fund and the percentage 47659  
share of each subdivision, in a newspaper or newspapers of 47660  
countywide circulation, and send a copy of such allocation to the 47661  
tax commissioner. 47662

The county auditor shall also send by certified mail, return 47663  
receipt requested, a copy of such allocation to the fiscal officer 47664  
of each subdivision entitled to participate in the allocation of 47665  
the undivided local ~~government~~ communities fund of the county. 47666  
This copy shall constitute the official notice of the commission 47667  
action referred to in section 5705.37 of the Revised Code. 47668

All money received into the treasury of a subdivision from 47669  
the undivided local ~~government~~ communities fund in a county 47670  
treasury shall be paid into the general fund and used for the 47671  
current operating expenses of the subdivision. 47672

If a municipal corporation maintains a municipal university, 47673  
such municipal university, when the board of trustees so requests 47674  
the legislative authority of the municipal corporation, shall 47675  
participate in the money apportioned to such municipal corporation 47676  
from the total local ~~government~~ communities fund, however created 47677  
and constituted, in such amount as requested by the board of 47678  
trustees, provided such sum does not exceed nine per cent of the 47679  
total amount paid to the municipal corporation. 47680

If any public official fails to maintain the records required 47681  
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 47682  
issued by the tax commissioner, the auditor of state, or the 47683  
treasurer of state pursuant to such sections, or fails to comply 47684  
with any law relating to the enforcement of such sections, the 47685  
local ~~government~~ communities fund money allocated to the county 47686  
~~shall~~ may be withheld until such time as the public official has 47687  
complied with such sections or such law or the rules issued 47688  
pursuant thereto. 47689

**Sec. 5747.52.** The form used by the county budget commission 47690  
to calculate subdivision shares of the undivided local ~~government~~ 47691  
communities fund as apportioned pursuant to section 5747.51 of the 47692  
Revised Code shall be as follows: 47693

Calculation of (name of subdivision) share of 47694  
undivided local ~~government~~ communities fund for 47695  
(name of county) county 47696

Authorized expenditure for subdivision	Total	
1. Estimated expenditures from general fund	.....	47698
2. Estimated expenditures from special funds other than	.....	47699

those established for road and bridge, street  
construction, maintenance, and state highway  
improvement, and for gas, water, sewer, and electric  
public utilities

3. Total	.....	47700
Deductions from authorized expenditures		47701
4. Expenditures for permanent improvements	.....	47702
5. Transfers to road and bridge fund (counties and townships only)	.....	47703
6. Transfers to street construction, maintenance, and repair, and state highway improvements funds	.....	47704
7. Expenditures for the payment of debt charges	.....	47705
8. Expenditures for the payment of judgments	.....	47706
9. Taxes levied inside the "ten-mill limitation"	.....	47707
10. Budget commission allocation of estimated county <del>library and local government support libraries</del> fund revenues	.....	47708
11. Estimated unencumbered balances as of December 31 of current year in the general funds as stated in the tax budget	.....	47709
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	.....	47710
13. Total	.....	47711
Calculation of subdivision share		47712
14. Relative need of subdivision (line 3 less line 13)	.....	47713
15. Relative need factor for county (total estimate of undivided local <del>government</del> <u>communities</u> fund divided by total relative need of all participating subdivisions)	.....	47714
16. Proportionate share of subdivision (relative need	.....	47715



of subdivision multiplied by relative need factor)

17. After any adjustments necessary to comply with ..... 47716  
statutory maximum share allowable to county

18. After any adjustments necessary to comply with ..... 47717  
statutory minimum share allowable to townships

19. After any adjustments necessary to comply with ..... 47718  
minimum guarantee in division (I) of section 5747.51 of  
the Revised Code

20. Proportionate share of subdivision (line 16, 17, ..... 47719  
18, or 19, whichever is appropriate)

**Sec. 5747.53.** (A) As used in this section: 47720

(1) "City, located wholly or partially in the county, with 47721  
the greatest population" means the city, located wholly or 47722  
partially in the county, with the greatest population residing in 47723  
the county; however, if the county budget commission on or before 47724  
January 1, 1998, adopted an alternative method of apportionment 47725  
that was approved by the legislative authority of the city, 47726  
located partially in the county, with the greatest population but 47727  
not the greatest population residing in the county, "city, located 47728  
wholly or partially in the county, with the greatest population" 47729  
means the city, located wholly or partially in the county, with 47730  
the greatest population whether residing in the county or not, if 47731  
this alternative meaning is adopted by action of the board of 47732  
county commissioners and a majority of the boards of township 47733  
trustees and legislative authorities of municipal corporations 47734  
located wholly or partially in the county. If the county budget 47735  
commission adopted a method or formula for apportioning the 47736  
undivided local government fund under this section as this section 47737  
existed on the effective date of its amendment by H.B. 119 of the 47738  
127th general assembly, and, if it were not for the amendment 47739  
replacing "undivided local government fund" with "undivided local 47740  
communities fund" the undivided local government fund would have 47741

been apportioned among subdivisions eligible to participate in the 47742  
fund on the basis of such method or formula, then such method or 47743  
formula shall be used to apportion the undivided local communities 47744  
fund among subdivisions eligible to participate in the fund. 47745

(2) "Participating political subdivision" means a municipal 47746  
corporation or township that satisfies all of the following: 47747

(a) It is located wholly or partially in the county. 47748

(b) It is not the city, located wholly or partially in the 47749  
county, with the greatest population. 47750

(c) Undivided local ~~government~~ communities fund moneys are 47751  
apportioned to it under the county's alternative method or formula 47752  
of apportionment in the current calendar year. 47753

(B) In lieu of the method of apportionment of the undivided 47754  
local ~~government~~ communities fund of the county provided by 47755  
section 5747.51 of the Revised Code, the county budget commission 47756  
may provide for the apportionment of the fund under an alternative 47757  
method or on a formula basis as authorized by this section. 47758

Except as otherwise provided in division (C) of this section, 47759  
the alternative method of apportionment shall have first been 47760  
approved by all of the following governmental units: the board of 47761  
county commissioners; the legislative authority of the city, 47762  
located wholly or partially in the county, with the greatest 47763  
population; and a majority of the boards of township trustees and 47764  
legislative authorities of municipal corporations, located wholly 47765  
or partially in the county, excluding the legislative authority of 47766  
the city, located wholly or partially in the county, with the 47767  
greatest population. In granting or denying approval for an 47768  
alternative method of apportionment, the board of county 47769  
commissioners, boards of township trustees, and legislative 47770  
authorities of municipal corporations shall act by motion. A 47771  
motion to approve shall be passed upon a majority vote of the 47772

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 undivided local ~~government~~ communities fund of the county shall be apportioned among the subdivisions eligible to participate in the fund, commencing in the ensuing calendar year, under the apportionment provided in section 5747.52 of the Revised Code, unless the repeal occurs by operation of division (C) of this section or a new method for apportionment of the fund is provided in the action of repeal.

(C) This division applies only in counties in which the city, located wholly or partially in the county, with the greatest population has a population of twenty thousand or less and a population that is less than fifteen per cent of the total population of the county. In such a county, the legislative authorities or boards of township trustees of two or more participating political subdivisions, which together have a population residing in the county that is a majority of the total population of the county, each may adopt a resolution to exclude the approval otherwise required of the legislative authority of the city, located wholly or partially in the county, with the greatest population. All of the resolutions to exclude that approval shall be adopted not later than the first Monday of August of the year preceding the calendar year in which distributions are to be made under an alternative method of apportionment.

A motion granting or denying approval of an alternative method of apportionment under this division shall be adopted by a

majority vote of the members of the board of county commissioners 47805  
and by a majority vote of a majority of the boards of township 47806  
trustees and legislative authorities of the municipal corporations 47807  
located wholly or partially in the county, other than the city, 47808  
located wholly or partially in the county, with the greatest 47809  
population, shall take effect immediately, and need not be 47810  
published. The alternative method of apportionment under this 47811  
division shall be adopted and approved annually, not later than 47812  
the first Monday of August of the year preceding the calendar year 47813  
in which distributions are to be made under it. A motion granting 47814  
approval of an alternative method of apportionment under this 47815  
division repeals any existing alternative method of apportionment, 47816  
effective with distributions to be made from the fund in the 47817  
ensuing calendar year. An alternative method of apportionment 47818  
under this division shall not be revised or amended after the 47819  
first Monday of August of the year preceding the calendar year in 47820  
which distributions are to be made under it. 47821

(D) In determining an alternative method of apportionment 47822  
authorized by this section, the county budget commission may 47823  
include in the method any factor considered to be appropriate and 47824  
reliable, in the sole discretion of the county budget commission. 47825

(E) The limitations set forth in section 5747.51 of the 47826  
Revised Code, stating the maximum amount that the county may 47827  
receive from the undivided local ~~government~~ communities fund and 47828  
the minimum amount the townships in counties having a population 47829  
of less than one hundred thousand may receive from the fund, are 47830  
applicable to any alternative method of apportionment authorized 47831  
under this section. 47832

(F) On the basis of any alternative method of apportionment 47833  
adopted and approved as authorized by this section, as certified 47834  
by the auditor to the county treasurer, the county treasurer shall 47835  
make distribution of the money in the undivided local ~~government~~ 47836

communities fund to each subdivision eligible to participate in 47837  
the fund, and the auditor, when the amount of those shares is in 47838  
the custody of the treasurer in the amounts so computed to be due 47839  
the respective subdivisions, shall at the same time certify to the 47840  
tax commissioner the percentage share of the county as a 47841  
subdivision. All money received into the treasury of a subdivision 47842  
from the undivided local ~~government~~ communities fund in a county 47843  
treasury shall be paid into the general fund and used for the 47844  
current operating expenses of the subdivision. If a municipal 47845  
corporation maintains a municipal university, the university, when 47846  
the board of trustees so requests the legislative authority of the 47847  
municipal corporation, shall participate in the money apportioned 47848  
to the municipal corporation from the total local ~~government~~ 47849  
communities fund, however created and constituted, in the amount 47850  
requested by the board of trustees, provided that amount does not 47851  
exceed nine per cent of the total amount paid to the municipal 47852  
corporation. 47853

(G) The actions of the county budget commission taken 47854  
pursuant to this section are final and may not be appealed to the 47855  
board of tax appeals, except on the issues of abuse of discretion 47856  
and failure to comply with the formula. 47857

**Sec. 5747.54.** The tax commissioner ~~shall not distribute~~ may 47858  
withhold distributions of local ~~government~~ communities fund money 47859  
to any county where the county auditor has failed to certify to 47860  
the tax commissioner the percentage share of the undivided local 47861  
~~government~~ communities fund of the county as a subdivision for the 47862  
year for which distribution is to be made. The director ~~shall of~~ 47863  
budget and management may direct the tax commissioner to withhold 47864  
from ~~such a~~ county the percentage of the amount distributable 47865  
thereto that constitutes the share of the county as a subdivision 47866  
of the local communities fund so long as such county is indebted 47867  
or otherwise obligated to the state, until such indebtedness or 47868

other obligation has been duly paid, but no distribution of such 47869  
percentage share of the local ~~government~~ communities fund shall be 47870  
withheld unless an itemized statement of such indebtedness is 47871  
furnished the county auditor of the county from which the 47872  
indebtedness is due at least thirty days prior to the withholding 47873  
of the distribution. 47874

Any indebtedness or obligation of the state to a county shall 47875  
be deducted from the amount owing to the state by such county in 47876  
determining the indebtedness or obligation as to which 47877  
distribution is withheld. 47878

**Sec. 5747.55.** The action of the county budget commission 47879  
under sections 5747.51 and 5747.62 of the Revised Code may be 47880  
appealed to the board of tax appeals in the manner and with the 47881  
effect provided in section 5705.37 of the Revised Code, in 47882  
accordance with the following rules: 47883

(A) The notice of appeal shall be signed by the authorized 47884  
fiscal officer and shall set forth in clear and concise language: 47885

(1) A statement of the action of the budget commission 47886  
appealed from, and the date of the receipt by the subdivision of 47887  
the official certificate or notice of such action; 47888

(2) The error or errors the taxing district believes the 47889  
budget commission made; 47890

(3) The specific relief sought by the taxing district. 47891

(B) The notice of appeal shall have attached thereto: 47892

(1) A certified copy of the resolution of the taxing 47893  
authority authorizing the fiscal officer to file the appeal; 47894

(2) An exact copy of the official certificate, or notice of 47895  
the action of the budget commission appealed from; 47896

(3) An exact copy of the budget request filed with the budget 47897

commission by the complaining subdivision, with the date of filing 47898  
noted thereon. 47899

(C) There shall also be attached to the notice of appeal a 47900  
statement showing: 47901

(1) The name of the fund involved, the total amount in 47902  
dollars allocated, and the exact amount in dollars allocated to 47903  
each participating subdivision; 47904

(2) The amount in dollars which the complaining subdivision 47905  
believes it should have received; 47906

(3) The name of each participating subdivision, as well as 47907  
the name and address of the fiscal officer thereof, that the 47908  
complaining subdivision believes received more than its proper 47909  
share of the allocation, and the exact amount in dollars of such 47910  
alleged over-allocation. 47911

(D) Only the participating subdivisions named pursuant to 47912  
division (C) of this section are to be considered as appellees 47913  
before the board of tax appeals and no change shall, in any 47914  
amount, be made in the amount allocated to participating 47915  
subdivisions not appellees. 47916

(E) The total of the undivided local government fund ~~or~~, 47917  
undivided local government revenue assistance fund, or local 47918  
communities fund to be allocated by the board of tax appeals upon 47919  
appeal is the total of that fund allocated by the budget 47920  
commission to those subdivisions which are appellants and 47921  
appellees before the board of tax appeals. 47922

**Sec. 5747.77.** (A) As used in this section: 47923

(1) "Alternative fuel" means E85 blend fuel or blended 47924  
biodiesel. 47925

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 47926  
fuel that is derived from vegetable oils or animal fats, or any 47927

combination of those reagents that meets the American society for 47928  
testing and materials specification for biodiesel fuel (B100) 47929  
blend stock distillate fuels. 47930

(3) "Blended biodiesel" means a blend of biodiesel with 47931  
petroleum based diesel fuel in which the resultant product 47932  
contains not less than twenty per cent biodiesel and meets the 47933  
American society for testing and materials specification for 47934  
blended diesel fuel. 47935

(4) "Diesel fuel" means any liquid fuel that is capable of 47936  
use in discrete form or as a blend component in the operation of 47937  
engines of the diesel type. 47938

(5) "Ethanol" means fermentation ethyl alcohol derived from 47939  
agricultural products, including potatoes, cereal, grains, cheese 47940  
whey, and sugar beets; forest products; or other renewable 47941  
resources, including residue and waste generated from the 47942  
production, processing, and marketing of agricultural products, 47943  
forest products, and other renewable resources that meet all of 47944  
the specifications in the American society for testing and 47945  
materials (ASTM) specification D 4806-88 and is denatured as 47946  
specified in Parts 20 and 21 of Title 27 of the Code of Federal 47947  
Regulations. 47948

(6) "E85 blend fuel" means fuel containing eighty-five per 47949  
cent or more ethanol, or containing any other percentage of not 47950  
less than seventy per cent ethanol if the United States department 47951  
of energy determines, by rule, that the lower percentage is 47952  
necessary to provide for the requirements of cold start, safety, 47953  
or other vehicle functions, and that meets the American society 47954  
for testing and materials specification for E85 blend fuel. 47955

(7) "Retail dealer" means any person that is a taxpayer under 47956  
this chapter that owns or operates a retail service station 47957  
located in this state. 47958



(8) "Retail service station" means a location from which alternative fuel is sold to the general public and is dispensed or pumped directly into motor vehicle fuel tanks for consumption. 47959  
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(B) For taxable years ending in 2008 or 2009, there is hereby allowed a refundable credit against the tax imposed by section 5747.02 of the Revised Code for a retail dealer that sells alternative fuel. The credit for a dealer's taxable year ending in 2008 shall equal fifteen cents per gallon of alternative fuel sold and dispensed through a metered pump at the retail dealer's retail service station during any part of calendar year 2007 or 2008 included in that taxable year. The credit for a dealer's taxable year ending in 2009 shall equal fifteen cents per gallon of alternative fuel sold and dispensed through a metered pump at the retail dealer's retail service station during any part of calendar year 2008 included in that taxable year, plus thirteen cents per gallon of alternative fuel sold and dispensed in that manner during any part of calendar year 2009 included in that taxable year. 47962  
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The credit shall be calculated separately for each retail service station owned or operated by the retail dealer. The credit allowed under this section may not be claimed for alternative fuel sold or dispensed before January 1, 2008, or on or after January 1, 2010. 47977  
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(C) The retail dealer shall claim the credit under this section in the order prescribed in section 5747.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due under section 5747.02 of the Revised Code, after deducting all other credits that precede the credit allowed under this section in that order, the excess shall be refunded to the retail dealer. 47982  
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(D) Nothing in this section limits or disallows pass-through treatment of the credit if the retail dealer is a pass-through 47989  
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entity. If the retail dealer is a pass-through entity, references 47991  
in other divisions of this section to "taxable year" refer to the 47992  
dealer's taxable year; an equity owner of the entity that is a 47993  
taxpayer may claim the owner's distributive or proportionate share 47994  
of the credit for the equity owner's taxable year that includes 47995  
the last day of the entity's taxable year. 47996

**Sec. 5747.98.** (A) To provide a uniform procedure for 47997  
calculating the amount of tax due under section 5747.02 of the 47998  
Revised Code, a taxpayer shall claim any credits to which the 47999  
taxpayer is entitled in the following order: 48000

(1) The retirement income credit under division (B) of 48001  
section 5747.055 of the Revised Code; 48002

(2) The senior citizen credit under division (C) of section 48003  
5747.05 of the Revised Code; 48004

(3) The lump sum distribution credit under division (D) of 48005  
section 5747.05 of the Revised Code; 48006

(4) The dependent care credit under section 5747.054 of the 48007  
Revised Code; 48008

(5) The lump sum retirement income credit under division (C) 48009  
of section 5747.055 of the Revised Code; 48010

(6) The lump sum retirement income credit under division (D) 48011  
of section 5747.055 of the Revised Code; 48012

(7) The lump sum retirement income credit under division (E) 48013  
of section 5747.055 of the Revised Code; 48014

(8) The low-income credit under section 5747.056 of the 48015  
Revised Code; 48016

(9) The credit for displaced workers who pay for job training 48017  
under section 5747.27 of the Revised Code; 48018

(10) The campaign contribution credit under section 5747.29 48019

of the Revised Code;	48020
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	48021 48022
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	48023 48024
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	48025 48026
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	48027 48028
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	48029 48030
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	48031 48032
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	48033 48034
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	48035 48036
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	48037 48038
(20) The credit for purchases of new manufacturing machinery and equipment under section 5747.26 or section 5747.261 of the Revised Code;	48039 48040 48041
(21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	48042 48043 48044
(22) The job training credit under section 5747.39 of the Revised Code;	48045 48046
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	48047 48048

(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	48049 48050
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	48051 48052
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	48053 48054
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	48055 48056
(28) The export sales credit under section 5747.057 of the Revised Code;	48057 48058
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	48059 48060
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	48061 48062
(31) The research and development credit under section 5747.331 of the Revised Code;	48063 48064
(32) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	48065 48066
(33) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	48067 48068
(34) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	48069 48070
(35) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	48071 48072 48073
(36) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code;	48074 48075
(37) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital	48076 48077

program under sections 150.01 to 150.10 of the Revised Code; 48078

(38) The refundable credit for selling alternative fuel under 48079  
section 5747.77 of the Revised Code. 48080

(B) For any credit, except the credits enumerated in 48081  
divisions (A)(32) to ~~(37)~~(38) of this section and the credit 48082  
granted under division (I) of section 5747.08 of the Revised Code, 48083  
the amount of the credit for a taxable year shall not exceed the 48084  
tax due after allowing for any other credit that precedes it in 48085  
the order required under this section. Any excess amount of a 48086  
particular credit may be carried forward if authorized under the 48087  
section creating that credit. Nothing in this chapter shall be 48088  
construed to allow a taxpayer to claim, directly or indirectly, a 48089  
credit more than once for a taxable year. 48090

**Sec. 5748.01.** As used in this chapter: 48091

(A) "School district income tax" means an income tax adopted 48092  
under one of the following: 48093

(1) Former section 5748.03 of the Revised Code as it existed 48094  
prior to its repeal by Amended Substitute House Bill No. 291 of 48095  
the 115th general assembly; 48096

(2) Section 5748.03 of the Revised Code as enacted in 48097  
Substitute Senate Bill No. 28 of the 118th general assembly; 48098

(3) Section 5748.08 of the Revised Code as enacted in Amended 48099  
Substitute Senate Bill No. 17 of the 122nd general assembly; 48100

(4) Section 5748.021 of the Revised Code; 48101

(5) Section 5748.081 of the Revised Code. 48102

(B) "Individual" means an individual subject to the tax 48103  
levied by section 5747.02 of the Revised Code. 48104

(C) "Estate" means an estate subject to the tax levied by 48105  
section 5747.02 of the Revised Code. 48106

(D) "Taxable year" means a taxable year as defined in	48107
division (M) of section 5747.01 of the Revised Code.	48108
(E) "Taxable income" means:	48109
(1) In the case of an individual, one of the following, as	48110
specified in the resolution imposing the tax:	48111
(a) Ohio adjusted gross income for the taxable year as	48112
defined in division (A) of section 5747.01 of the Revised Code,	48113
less the exemptions provided by section 5747.02 of the Revised	48114
Code;	48115
(b) Wages, salaries, tips, and other employee compensation to	48116
the extent included in Ohio adjusted gross income as defined in	48117
section 5747.01 of the Revised Code, and net earnings from	48118
self-employment, as defined in section 1402(a) of the Internal	48119
Revenue Code, to the extent included in Ohio adjusted gross	48120
income.	48121
(2) In the case of an estate, taxable income for the taxable	48122
year as defined in division (S) of section 5747.01 of the Revised	48123
Code.	48124
(F) "Resident" of the school district means:	48125
(1) An individual who is a resident of this state as defined	48126
in division (I) of section 5747.01 of the Revised Code during all	48127
or a portion of the taxable year and who, during all or a portion	48128
of such period of state residency, is domiciled in the school	48129
district or lives in and maintains a permanent place of abode in	48130
the school district;	48131
(2) An estate of a decedent who, at the time of death, was	48132
domiciled in the school district.	48133
(G) "School district income" means:	48134
(1) With respect to an individual, the portion of the taxable	48135
income of an individual that is received by the individual during	48136

the portion of the taxable year that the individual is a resident 48137  
of the school district and the school district income tax is in 48138  
effect in that school district. An individual may have school 48139  
district income with respect to more than one school district. 48140

(2) With respect to an estate, the taxable income of the 48141  
estate for the portion of the taxable year that the school 48142  
district income tax is in effect in that school district. 48143

(H) "Taxpayer" means an individual or estate having school 48144  
district income upon which a school district income tax is 48145  
imposed. 48146

(I) "School district purposes" means any of the purposes for 48147  
which a tax may be levied pursuant to section 5705.21 of the 48148  
Revised Code, including the combined purposes authorized by 48149  
section 5705.217 of the Revised Code. 48150

**Sec. 5748.02.** (A) The board of education of any school 48151  
district, except a joint vocational school district, may declare, 48152  
by resolution, the necessity of raising annually a specified 48153  
amount of money for school district purposes. The resolution shall 48154  
specify whether the income that is to be subject to the tax is 48155  
taxable income of individuals and estates as defined in divisions 48156  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 48157  
taxable income of individuals as defined in division (E)(1)(b) of 48158  
that section. A copy of the resolution shall be certified to the 48159  
tax commissioner no later than eighty-five days prior to the date 48160  
of the election at which the board intends to propose a levy under 48161  
this section. Upon receipt of the copy of the resolution, the tax 48162  
commissioner shall estimate both of the following: 48163

(1) The property tax rate that would have to be imposed in 48164  
the current year by the district to produce an equivalent amount 48165  
of money; 48166

(2) The income tax rate that would have had to have been in 48167  
effect for the current year to produce an equivalent amount of 48168  
money from a school district income tax. 48169

Within ten days of receiving the copy of the board's 48170  
resolution, the commissioner shall prepare these estimates and 48171  
certify them to the board. Upon receipt of the certification, the 48172  
board may adopt a resolution proposing an income tax under 48173  
division (B) of this section at the estimated rate contained in 48174  
the certification rounded to the nearest ~~one-fourth~~ one-tenth of 48175  
one per cent. The commissioner's certification applies only to the 48176  
board's proposal to levy an income tax at the election for which 48177  
the board requested the certification. If the board intends to 48178  
submit a proposal to levy an income tax at any other election, it 48179  
shall request another certification for that election in the 48180  
manner prescribed in this division. 48181

(B)(1) Upon the receipt of a certification from the tax 48182  
commissioner under division (A) of this section, a majority of the 48183  
members of a board of education may adopt a resolution proposing 48184  
the levy of an annual tax for school district purposes on school 48185  
district income. The proposed levy may be for a continuing period 48186  
of time or for a specified number of years. The resolution shall 48187  
set forth the purpose for which the tax is to be imposed, the rate 48188  
of the tax, which shall be the rate set forth in the 48189  
commissioner's certification rounded to the nearest ~~one-fourth~~ 48190  
one-tenth of one per cent, the number of years the tax will be 48191  
levied or that it will be levied for a continuing period of time, 48192  
the date on which the tax shall take effect, which shall be the 48193  
first day of January of any year following the year in which the 48194  
question is submitted, and the date of the election at which the 48195  
proposal shall be submitted to the electors of the district, which 48196  
shall be on the date of a primary, general, or special election 48197  
the date of which is consistent with section 3501.01 of the 48198



Revised Code. The resolution shall specify whether the income that 48199  
is to be subject to the tax is taxable income of individuals and 48200  
estates as defined in divisions (E)(1)(a) and (2) of section 48201  
5748.01 of the Revised Code or taxable income of individuals as 48202  
defined in division (E)(1)(b) of that section. The specification 48203  
shall be the same as the specification in the resolution adopted 48204  
and certified under division (A) of this section. ~~If~~ 48205

If the tax is to be levied for current expenses and permanent 48206  
improvements, the resolution shall apportion the annual rate of 48207  
the tax. The apportionment may be the same or different for each 48208  
year the tax is levied, but the respective portions of the rate 48209  
actually levied each year for current expenses and for permanent 48210  
improvements shall be limited by the apportionment. 48211

If the board of education currently imposes an income tax 48212  
pursuant to this chapter that is due to expire and a question is 48213  
submitted under this section for a proposed income tax to take 48214  
effect upon the expiration of the existing tax, the board may 48215  
specify in the resolution that the proposed tax renews the 48216  
expiring tax and is not an additional income tax, provided that 48217  
the tax rate being proposed is no higher than the tax rate that is 48218  
currently imposed. 48219

(2) A board of education adopting a resolution under division 48220  
(B)(1) of this section proposing a school district income tax for 48221  
a continuing period of time and limited to the purpose of current 48222  
expenses may propose in that resolution to reduce the rate or 48223  
rates of one or more of the school district's property taxes 48224  
levied for a continuing period of time in excess of the ten-mill 48225  
limitation for the purpose of current expenses. The reduction in 48226  
the rate of a property tax may be any amount, expressed in mills 48227  
per one dollar in valuation, not exceeding the rate at which the 48228  
tax is authorized to be levied. The reduction in the rate of a tax 48229  
shall first take effect for the tax year that includes the day on 48230

which the school district income tax first takes effect, and shall 48231  
continue for each tax year that both the school district income 48232  
tax and the property tax levy are in effect. 48233

In addition to the matters required to be set forth in the 48234  
resolution under division (B)(1) of this section, a resolution 48235  
containing a proposal to reduce the rate of one or more property 48236  
taxes shall state for each such tax the maximum rate at which it 48237  
currently may be levied and the maximum rate at which the tax 48238  
could be levied after the proposed reduction, expressed in mills 48239  
per one dollar in valuation, and that the tax is levied for a 48240  
continuing period of time. 48241

If a board of education proposes to reduce the rate of one or 48242  
more property taxes under division (B)(2) of this section, the 48243  
board, when it makes the certification required under division (A) 48244  
of this section, shall designate the specific levy or levies to be 48245  
reduced, the maximum rate at which each levy currently is 48246  
authorized to be levied, and the rate by which each levy is 48247  
proposed to be reduced. The tax commissioner, when making the 48248  
certification to the board under division (A) of this section, 48249  
also shall certify the reduction in the total effective tax rate 48250  
for current expenses for each class of property that would have 48251  
resulted if the proposed reduction in the rate or rates had been 48252  
in effect the previous tax year. As used in this paragraph, 48253  
"effective tax rate" has the same meaning as in section 323.08 of 48254  
the Revised Code. 48255

(C) A resolution adopted under division (B) of this section 48256  
shall go into immediate effect upon its passage, and no 48257  
publication of the resolution shall be necessary other than that 48258  
provided for in the notice of election. Immediately after its 48259  
adoption and at least seventy-five days prior to the election at 48260  
which the question will appear on the ballot, a copy of the 48261  
resolution shall be certified to the board of elections of the 48262

proper county, which shall submit the proposal to the electors on 48263  
the date specified in the resolution. The form of the ballot shall 48264  
be as provided in section 5748.03 of the Revised Code. Publication 48265  
of notice of the election shall be made in one or more newspapers 48266  
of general circulation in the county once a week for two 48267  
consecutive weeks prior to the election, and, if the board of 48268  
elections operates and maintains a web site, the board of 48269  
elections shall post notice of the election on its web site for 48270  
thirty days prior to the election. The notice shall contain the 48271  
time and place of the election and the question to be submitted to 48272  
the electors. The question covered by the resolution shall be 48273  
submitted as a separate proposition, but may be printed on the 48274  
same ballot with any other proposition submitted at the same 48275  
election, other than the election of officers. 48276

(D) No board of education shall submit the question of a tax 48277  
on school district income to the electors of the district more 48278  
than twice in any calendar year. If a board submits the question 48279  
twice in any calendar year, one of the elections on the question 48280  
shall be held on the date of the general election. 48281

(E)(1) No board of education may submit to the electors of 48282  
the district the question of a tax on school district income on 48283  
the taxable income of individuals as defined in division (E)(1)(b) 48284  
of section 5748.01 of the Revised Code if that tax would be in 48285  
addition to an existing tax on the taxable income of individuals 48286  
and estates as defined in divisions (E)(1)(a) and (2) of that 48287  
section. 48288

(2) No board of education may submit to the electors of the 48289  
district the question of a tax on school district income on the 48290  
taxable income of individuals and estates as defined in divisions 48291  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that 48292  
tax would be in addition to an existing tax on the taxable income 48293  
of individuals as defined in division (E)(1)(b) of that section. 48294

**Sec. 5748.021.** A board of education that levies a tax under 48295  
section 5748.02 of the Revised Code on the school district income 48296  
of individuals and estates as defined in divisions (G) and 48297  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code may 48298  
declare, at any time, by a resolution adopted by a majority of its 48299  
members, the necessity of raising annually a specified amount of 48300  
money for school district purposes by replacing the existing tax 48301  
with a tax on the school district income of individuals as defined 48302  
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 48303  
Revised Code. The specified amount of money to be raised annually 48304  
may be the same as, or more or less than, the amount of money 48305  
raised annually by the existing tax. 48306

The board shall certify a copy of the resolution to the tax 48307  
commissioner not later than the eighty-fifth day before the date 48308  
of the election at which the board intends to propose the 48309  
replacement to the electors of the school district. Not later than 48310  
the tenth day after receiving the resolution, the tax commissioner 48311  
shall estimate the tax rate that would be required in the school 48312  
district annually to raise the amount of money specified in the 48313  
resolution. The tax commissioner shall certify the estimate to the 48314  
board. 48315

Upon receipt of the tax commissioner's estimate, the board 48316  
may propose, by a resolution adopted by a majority of its members, 48317  
to replace the existing tax on the school district income of 48318  
individuals and estates as defined in divisions (G) and (E)(1)(a) 48319  
and (2) of section 5748.01 of the Revised Code with the levy of an 48320  
annual tax on the school district income of individuals as defined 48321  
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 48322  
Revised Code. In the resolution, the board shall specify the rate 48323  
of the replacement tax, whether the replacement tax is to be 48324  
levied for a specified number of years or for a continuing time, 48325  
the specific school district purposes for which the replacement 48326

tax is to be levied, the date on which the replacement tax will 48327  
begin to be levied, the date of the election at which the question 48328  
of the replacement is to be submitted to the electors of the 48329  
school district, that the existing tax will cease to be levied and 48330  
the replacement tax will begin to be levied if the replacement is 48331  
approved by a majority of the electors voting on the replacement, 48332  
and that if the replacement is not approved by a majority of the 48333  
electors voting on the replacement the existing tax will remain in 48334  
effect under its original authority for the remainder of its 48335  
previously approved term. The resolution goes into immediate 48336  
effect upon its adoption. Publication of the resolution is not 48337  
necessary, and the information that will be provided in the notice 48338  
of election is sufficient notice. At least seventy-five days 48339  
before the date of the election at which the question of the 48340  
replacement will be submitted to the electors of the school 48341  
district, the board shall certify a copy of the resolution to the 48342  
board of elections. 48343

The replacement tax shall have the same specific school 48344  
district purposes as the existing tax, and its rate shall be the 48345  
same as the tax commissioner's estimate rounded to the nearest 48346  
~~one-fourth~~ one-tenth of one per cent. The replacement tax shall 48347  
begin to be levied on the first day of January of the year 48348  
following the year in which the question of the replacement is 48349  
submitted to and approved by the electors of the school district 48350  
or on the first day of January of a later year, as specified in 48351  
the resolution. The date of the election shall be the date of an 48352  
otherwise scheduled primary, general, or special election. 48353

The board of elections shall make arrangements to submit the 48354  
question of the replacement to the electors of the school district 48355  
on the date specified in the resolution. The board of elections 48356  
shall publish notice of the election on the question of the 48357  
replacement in one or more newspapers of general circulation in 48358

the school district once a week for four consecutive weeks. The 48359  
 notice shall set forth the question to be submitted to the 48360  
 electors and the time and place of the election thereon. 48361

The question shall be submitted to the electors of the school 48362  
 district as a separate proposition, but may be printed on the same 48363  
 ballot with other propositions that are submitted at the same 48364  
 election, other than the election of officers. The form of the 48365  
 ballot shall be substantially as follows: 48366

"Shall the existing tax of ..... (state the rate) on the 48367  
 school district income of individuals and estates imposed by ..... 48368  
 (state the name of the school district) be replaced by a tax of 48369  
 ..... (state the rate) on the earned income of individuals 48370  
 residing in the school district for ..... (state the number of 48371  
 years the tax is to be in effect or that it will be in effect for 48372  
 a continuing time), beginning ..... (state the date the new tax 48373  
 will take effect), for the purpose of ..... (state the specific 48374  
 school district purposes of the tax)? If the new tax is not 48375  
 approved, the existing tax will remain in effect under its 48376  
 original authority, for the remainder of its previously approved 48377  
 term. 48378

	For replacing the existing tax with the new tax	
	Against replacing the existing tax with the new tax	"

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The board of elections shall conduct and canvass the election 48381  
 in the same manner as regular elections in the school district for 48382  
 the election of county officers. The board shall certify the 48383  
 results of the election to the board of education and to the tax 48384  
 commissioner. If a majority of the electors voting on the question 48385  
 vote in favor of the replacement, the existing tax shall cease to 48386  
 be levied, and the replacement tax shall begin to be levied, on 48387  
 the date specified in the ballot question. If a majority of the 48388

electors voting on the question vote against the replacement, the 48389  
existing tax shall continue to be levied under its original 48390  
authority, for the remainder of its previously approved term. 48391

A board of education may not submit the question of replacing 48392  
a tax more than twice in a calendar year. If a board submits the 48393  
question more than once, one of the elections at which the 48394  
question is submitted shall be on the date of a general election. 48395

If a board of education later intends to renew a replacement 48396  
tax levied under this section, it shall repeat the procedure 48397  
outlined in this section to do so, the replacement tax then being 48398  
levied being the "existing tax" and the renewed replacement tax 48399  
being the "replacement tax." 48400

Sec. 5748.022. A majority of the members of a board of 48401  
education of a school district levying a tax under section 5748.02 48402  
of the Revised Code may adopt a resolution reducing the rate of 48403  
the tax by a multiple of one-tenth of one per cent. 48404

The resolution shall set forth the current rate of the tax, 48405  
the reduced rate of tax that results from adoption of the 48406  
resolution, the purpose or purposes for which the tax is levied, 48407  
the remaining number of years the tax will be levied or that it is 48408  
levied for a continuing period of time, and the date on which the 48409  
reduced tax rate shall take effect, which shall be the ensuing 48410  
first day of January occurring at least sixty days after a copy of 48411  
the resolution is certified to the tax commissioner. 48412

**Sec. 5748.04.** (A) The question of the repeal of a school 48413  
district income tax levied for more than five years may be 48414  
initiated not more than once in any five-year period by filing 48415  
with the board of elections of the appropriate counties not later 48416  
than seventy-five days before the general election in any year 48417  
after the year in which it is approved by the electors a petition 48418

requesting that an election be held on the question. The petition 48419  
shall be signed by qualified electors residing in the school 48420  
district levying the income tax equal in number to ten per cent of 48421  
those voting for governor at the most recent gubernatorial 48422  
election. 48423

The board of elections shall determine whether the petition 48424  
is valid, and if it so determines, it shall submit the question to 48425  
the electors of the district at the next general election. The 48426  
election shall be conducted, canvassed, and certified in the same 48427  
manner as regular elections for county offices in the county. 48428  
Notice of the election shall be published in a newspaper of 48429  
general circulation in the district once a week for two 48430  
consecutive weeks prior to the election, and, if the board of 48431  
elections operates and maintains a web site, the board of 48432  
elections shall post notice of the election on its web site for 48433  
thirty days prior to the election. The notice shall state the 48434  
purpose, time, and place of the election. The form of the ballot 48435  
cast at the election shall be as follows: 48436

"Shall the annual income tax of ..... per cent, currently 48437  
levied on the school district income of individuals and estates by 48438  
..... (state the name of the school district) for the purpose 48439  
of ..... (state purpose of the tax), be repealed? 48440

	For repeal of the income tax
	Against repeal of the income tax

"

(B)(1) If the tax is imposed on taxable income as defined in 48445  
division (E)(1)(b) of section 5748.01 of the Revised Code, the 48446  
form of the ballot shall be modified by stating that the tax 48447  
currently is levied on the "earned income of individuals residing 48448  
in the school district" in lieu of the "school district income of 48449



individuals and estates." 48450

(2) If the rate of one or more property tax levies was 48451  
reduced for the duration of the income tax levy pursuant to 48452  
division (B)(2) of section 5748.02 of the Revised Code, the form 48453  
of the ballot shall be modified by adding the following language 48454  
immediately after "repealed": ", and shall the rate of an existing 48455  
tax on property for the purpose of current expenses, which rate 48456  
was reduced for the duration of the income tax, be INCREASED from 48457  
. . . . . mills to . . . . . mills per one dollar of valuation beginning 48458  
in . . . . . (state the first year for which the rate of the property 48459  
tax will increase)." In lieu of "for repeal of the income tax" and 48460  
"against repeal of the income tax," the phrases "for the issue" 48461  
and "against the issue," respectively, shall be substituted. 48462

(3) If the rate of more than one property tax was reduced for 48463  
the duration of the income tax, the ballot language shall be 48464  
modified accordingly to express the rates at which those taxes 48465  
currently are levied and the rates to which the taxes would be 48466  
increased. 48467

(C) The question covered by the petition shall be submitted 48468  
as a separate proposition, but it may be printed on the same 48469  
ballot with any other proposition submitted at the same election 48470  
other than the election of officers. If a majority of the 48471  
qualified electors voting on the question vote in favor of it, the 48472  
result shall be certified immediately after the canvass by the 48473  
board of elections to the board of education of the school 48474  
district and the tax commissioner, who shall thereupon, after the 48475  
current year, cease to levy the tax, except that if notes have 48476  
been issued pursuant to section 5748.05 of the Revised Code the 48477  
tax commissioner shall continue to levy and collect under 48478  
authority of the election authorizing the levy an annual amount, 48479  
rounded upward to the nearest ~~one-fourth~~ one-tenth of one per 48480  
cent, as will be sufficient to pay the debt charges on the notes 48481

as they fall due. 48482

(D) If a school district income tax repealed pursuant to this 48483  
section was approved in conjunction with a reduction in the rate 48484  
of one or more school district property taxes as provided in 48485  
division (B)(2) of section 5748.02 of the Revised Code, then each 48486  
such property tax may be levied after the current year at the rate 48487  
at which it could be levied prior to the reduction, subject to any 48488  
adjustments required by the county budget commission pursuant to 48489  
Chapter 5705. of the Revised Code. Upon the repeal of a school 48490  
district income tax under this section, the board of education may 48491  
resume levying a property tax, the rate of which has been reduced 48492  
pursuant to a question approved under section 5748.02 of the 48493  
Revised Code, at the rate the board originally was authorized to 48494  
levy the tax. A reduction in the rate of a property tax under 48495  
section 5748.02 of the Revised Code is a reduction in the rate at 48496  
which a board of education may levy that tax only for the period 48497  
during which a school district income tax is levied prior to any 48498  
repeal pursuant to this section. The resumption of the authority 48499  
to levy the tax upon such a repeal does not constitute a tax 48500  
levied in excess of the one per cent limitation prescribed by 48501  
Section 2 of Article XII, Ohio Constitution, or in excess of the 48502  
ten-mill limitation. 48503

(E) This section does not apply to school district income tax 48504  
levies that are levied for five or fewer years. 48505

**Sec. 5748.08.** (A) The board of education of a city, local, or 48506  
exempted village school district, at any time by a vote of 48507  
two-thirds of all its members, may declare by resolution that it 48508  
may be necessary for the school district to do all of the 48509  
following: 48510

(1) Raise a specified amount of money for school district 48511  
purposes by levying an annual tax on school district income; 48512

(2) Issue general obligation bonds for permanent 48513  
improvements, stating in the resolution the necessity and purpose 48514  
of the bond issue and the amount, approximate date, estimated rate 48515  
of interest, and maximum number of years over which the principal 48516  
of the bonds may be paid; 48517

(3) Levy a tax outside the ten-mill limitation to pay debt 48518  
charges on the bonds and any anticipatory securities; 48519

(4) Submit the question of the school district income tax and 48520  
bond issue to the electors of the district at a special election. 48521

The resolution shall specify whether the income that is to be 48522  
subject to the tax is taxable income of individuals and estates as 48523  
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 48524  
Revised Code or taxable income of individuals as defined in 48525  
division (E)(1)(b) of that section. 48526

On adoption of the resolution, the board shall certify a copy 48527  
of it to the tax commissioner and the county auditor no later than 48528  
ninety days prior to the date of the special election at which the 48529  
board intends to propose the income tax and bond issue. Not later 48530  
than ten days of receipt of the resolution, the tax commissioner, 48531  
in the same manner as required by division (A) of section 5748.02 48532  
of the Revised Code, shall estimate the rates designated in 48533  
divisions (A)(1) and (2) of that section and certify them to the 48534  
board. Not later than ten days of receipt of the resolution, the 48535  
county auditor shall estimate and certify to the board the average 48536  
annual property tax rate required throughout the stated maturity 48537  
of the bonds to pay debt charges on the bonds, in the same manner 48538  
as under division (C) of section 133.18 of the Revised Code. 48539

(B) On receipt of the tax commissioner's and county auditor's 48540  
certifications prepared under division (A) of this section, the 48541  
board of education of the city, local, or exempted village school 48542  
district, by a vote of two-thirds of all its members, may adopt a 48543

resolution proposing for a specified number of years or for a 48544  
continuing period of time the levy of an annual tax for school 48545  
district purposes on school district income and declaring that the 48546  
amount of taxes that can be raised within the ten-mill limitation 48547  
will be insufficient to provide an adequate amount for the present 48548  
and future requirements of the school district; that it is 48549  
necessary to issue general obligation bonds of the school district 48550  
for specified permanent improvements and to levy an additional tax 48551  
in excess of the ten-mill limitation to pay the debt charges on 48552  
the bonds and any anticipatory securities; and that the question 48553  
of the bonds and taxes shall be submitted to the electors of the 48554  
school district at a special election, which shall not be earlier 48555  
than seventy-five days after certification of the resolution to 48556  
the board of elections, and the date of which shall be consistent 48557  
with section 3501.01 of the Revised Code. The resolution shall 48558  
specify all of the following: 48559

(1) The purpose for which the school district income tax is 48560  
to be imposed and the rate of the tax, which shall be the rate set 48561  
forth in the tax commissioner's certification rounded to the 48562  
nearest ~~one-fourth~~ one-tenth of one per cent; 48563

(2) Whether the income that is to be subject to the tax is 48564  
taxable income of individuals and estates as defined in divisions 48565  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 48566  
taxable income of individuals as defined in division (E)(1)(b) of 48567  
that section. The specification shall be the same as the 48568  
specification in the resolution adopted and certified under 48569  
division (A) of this section. 48570

(3) The number of years the tax will be levied, or that it 48571  
will be levied for a continuing period of time; 48572

(4) The date on which the tax shall take effect, which shall 48573  
be the first day of January of any year following the year in 48574  
which the question is submitted; 48575

(5) The county auditor's estimate of the average annual 48576  
property tax rate required throughout the stated maturity of the 48577  
bonds to pay debt charges on the bonds. 48578

(C) A resolution adopted under division (B) of this section 48579  
shall go into immediate effect upon its passage, and no 48580  
publication of the resolution shall be necessary other than that 48581  
provided for in the notice of election. Immediately after its 48582  
adoption and at least seventy-five days prior to the election at 48583  
which the question will appear on the ballot, the board of 48584  
education shall certify a copy of the resolution, along with 48585  
copies of the auditor's estimate and its resolution under division 48586  
(A) of this section, to the board of elections of the proper 48587  
county. The board of education shall make the arrangements for the 48588  
submission of the question to the electors of the school district, 48589  
and the election shall be conducted, canvassed, and certified in 48590  
the same manner as regular elections in the district for the 48591  
election of county officers. 48592

The resolution shall be put before the electors as one ballot 48593  
question, with a majority vote indicating approval of the school 48594  
district income tax, the bond issue, and the levy to pay debt 48595  
charges on the bonds and any anticipatory securities. The board of 48596  
elections shall publish the notice of the election in one or more 48597  
newspapers of general circulation in the school district once a 48598  
week for two consecutive weeks prior to the election and, if the 48599  
board of elections operates and maintains a web site, also shall 48600  
post notice of the election on its web site for thirty days prior 48601  
to the election. The notice of election shall state all of the 48602  
following: 48603

(1) The questions to be submitted to the electors; 48604

(2) The rate of the school district income tax; 48605

(3) The principal amount of the proposed bond issue; 48606

(4) The permanent improvements for which the bonds are to be issued;	48607 48608
(5) The maximum number of years over which the principal of the bonds may be paid;	48609 48610
(6) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;	48611 48612 48613
(7) The time and place of the special election.	48614
(D) The form of the ballot on a question submitted to the electors under this section shall be as follows:	48615 48616
"Shall the ..... school district be authorized to do both of the following:	48617 48618
(1) Impose an annual income tax of ..... (state the proposed rate of tax) on the school district income of individuals and of estates, for ..... (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning ..... (state the date the tax would first take effect), for the purpose of ..... (state the purpose of the tax)?	48619 48620 48621 48622 48623 48624 48625
(2) Issue bonds for the purpose of ..... in the principal amount of \$....., to be repaid annually over a maximum period of ..... years, and levy a property tax outside the ten-mill limitation estimated by the county auditor to average over the bond repayment period ..... mills for each one dollar of tax valuation, which amounts to ..... (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of tax valuation, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?	48626 48627 48628 48629 48630 48631 48632 48633 48634 48635 48636

	FOR THE INCOME TAX AND BOND ISSUE	48637
	AGAINST THE INCOME TAX AND BOND ISSUE "	48638

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(E) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates."

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(F) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it, the income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution, and the board of education may proceed with issuance of the bonds and with the levy and collection of the property taxes to pay debt charges on the bonds, at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

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(G) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

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(H) The question of repeal of a school district income tax 48668

levied for more than five years may be initiated and submitted in 48669  
accordance with section 5748.04 of the Revised Code. 48670

(I) No board of education shall submit a question under this 48671  
section to the electors of the school district more than twice in 48672  
any calendar year. If a board submits the question twice in any 48673  
calendar year, one of the elections on the question shall be held 48674  
on the date of the general election. 48675

**Sec. 5751.20.** (A) As used in sections 5751.20 to 5751.22 of 48676  
the Revised Code: 48677

(1) "School district," "joint vocational school district," 48678  
"local taxing unit," "~~state education aid~~," "recognized 48679  
valuation," "fixed-rate levy," and "fixed-sum levy" have the same 48680  
meanings as used in section 5727.84 of the Revised Code. 48681

(2) "State education aid" for a school district means the sum 48682  
of state aid amounts computed for the district under divisions 48683  
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 48684  
divisions (B), (C), and (D) of section 3317.023; divisions (L) and 48685  
(N) of section 3317.024; section 3317.0216; and any unit payments 48686  
for gifted student services paid under sections 3317.05, 3317.052, 48687  
and 3317.053 of the Revised Code; except that, for fiscal years 48688  
2008 and 2009, the amount computed for the district under Section 48689  
269.20.80 of H.B. 119 of the 127th general assembly and as that 48690  
section subsequently may be amended shall be substituted for the 48691  
amount computed under division (D) of section 3317.022 of the 48692  
Revised Code, and the amount computed under Section 269.30.80 of 48693  
H.B. 119 of the 127th general assembly and as that section 48694  
subsequently may be amended shall be included. 48695

(3) "State education aid" for a joint vocational school 48696  
district means the sum of the state aid computed for the district 48697  
under division (N) of section 3317.024 and section 3317.16 of the 48698  
Revised Code, except that, for fiscal years 2008 and 2009, the 48699



amount computed under Section 269.30.80 of H.B. 119 of the 127th 48700  
general assembly and as that section subsequently may be amended 48701  
shall be included. 48702

(4) "State education aid offset" means the amount determined 48703  
for each school district or joint vocational school district under 48704  
division (A)(1) of section 5751.21 of the Revised Code. 48705

~~(3)~~(5) "Machinery and equipment property tax value loss" 48706  
means the amount determined under division (C)(1) of this section. 48707

~~(4)~~(6) "Inventory property tax value loss" means the amount 48708  
determined under division (C)(2) of this section. 48709

~~(5)~~(7) "Furniture and fixtures property tax value loss" means 48710  
the amount determined under division (C)(3) of this section. 48711

~~(6)~~(8) "Machinery and equipment fixed-rate levy loss" means 48712  
the amount determined under division (D)(1) of this section. 48713

~~(7)~~(9) "Inventory fixed-rate levy loss" means the amount 48714  
determined under division (D)(2) of this section. 48715

~~(8)~~(10) "Furniture and fixtures fixed-rate levy loss" means 48716  
the amount determined under division (D)(3) of this section. 48717

~~(9)~~(11) "Total fixed-rate levy loss" means the sum of the 48718  
machinery and equipment fixed-rate levy loss, the inventory 48719  
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 48720  
loss, and the telephone company fixed-rate levy loss. 48721

~~(10)~~(12) "Fixed-sum levy loss" means the amount determined 48722  
under division (E) of this section. 48723

~~(11)~~(13) "Machinery and equipment" means personal property 48724  
subject to the assessment rate specified in division (F) of 48725  
section 5711.22 of the Revised Code. 48726

~~(12)~~(14) "Inventory" means personal property subject to the 48727  
assessment rate specified in division (E) of section 5711.22 of 48728  
the Revised Code. 48729

~~(13)~~(15) "Furniture and fixtures" means personal property 48730  
 subject to the assessment rate specified in division (G) of 48731  
 section 5711.22 of the Revised Code. 48732

~~(14)~~(16) "Qualifying levies" are levies in effect for tax 48733  
 year 2004 or applicable to tax year 2005 or approved at an 48734  
 election conducted before September 1, 2005. For the purpose of 48735  
 determining the rate of a qualifying levy authorized by section 48736  
 5705.212 or 5705.213 of the Revised Code, the rate shall be the 48737  
 rate that would be in effect for tax year 2010. 48738

~~(15)~~(17) "Telephone property" means tangible personal 48739  
 property of a telephone, telegraph, or interexchange 48740  
 telecommunications company subject to an assessment rate specified 48741  
 in section 5727.111 of the Revised Code in tax year 2004. 48742

~~(16)~~(18) "Telephone property tax value loss" means the amount 48743  
 determined under division (C)(4) of this section. 48744

~~(17)~~(19) "Telephone property fixed-rate levy loss" means the 48745  
 amount determined under division (D)(4) of this section. 48746

(B) The commercial activities tax receipts fund is hereby 48747  
 created in the state treasury and shall consist of money arising 48748  
 from the tax imposed under this chapter. All money in that fund 48749  
 shall be credited for each fiscal year in the following 48750  
 percentages to the general revenue fund, to the school district 48751  
 tangible property tax replacement fund, which is hereby created in 48752  
 the state treasury for the purpose of making the payments 48753  
 described in section 5751.21 of the Revised Code, and to the local 48754  
 government tangible property tax replacement fund, which is hereby 48755  
 created in the state treasury for the purpose of making the 48756  
 payments described in section 5751.22 of the Revised Code, in the 48757  
 following percentages: 48758

Fiscal year	General Revenue	School District	Local Government	48759
	Fund	Tangible	Tangible	

		Property Tax Replacement	Property Tax Fund	Property Tax Replacement	Property Tax Fund
2006	67.7%	22.6%	9.7%	48760	
2007	0%	70.0%	30.0%	48761	
2008	0%	70.0%	30.0%	48762	
2009	0%	70.0%	30.0%	48763	
2010	0%	70.0%	30.0%	48764	
2011	0%	70.0%	30.0%	48765	
2012	5.3%	70.0%	24.7%	48766	
2013	19.4%	70.0%	10.6%	48767	
2014	14.1%	70.0%	15.9%	48768	
2015	17.6%	70.0%	12.4%	48769	
2016	21.1%	70.0%	8.9%	48770	
2017	24.6%	70.0%	5.4%	48771	
2018	28.1%	70.0%	1.9%	48772	
2019 and thereafter	100%	0%	0%	48773	

(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.	48788
(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:	48789 48790 48791
(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;	48792 48793 48794
(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;	48795 48796
(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;	48797 48798 48799
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	48800 48801 48802
(3) Furniture and fixtures property tax value loss is the taxable value of furniture and fixture property as reported by taxpayers for tax year 2004 multiplied by:	48803 48804 48805
(a) For tax year 2006, twenty-five per cent;	48806
(b) For tax year 2007, fifty per cent;	48807
(c) For tax year 2008, seventy-five per cent;	48808
(d) For tax year 2009 and thereafter, one hundred per cent.	48809
The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of August 31, 2005. Such determinations shall be final except for any correction of a clerical error that was made prior to August 31, 2005, by the tax commissioner.	48810 48811 48812 48813 48814 48815
(4) Telephone property tax value loss is the taxable value of	48816

telephone property as taxpayers would have reported that property 48817  
for tax year 2004 if the assessment rate for all telephone 48818  
property for that year were twenty-five per cent, multiplied by: 48819

(a) For tax year 2006, zero per cent; 48820

(b) For tax year 2007, zero per cent; 48821

(c) For tax year 2008, zero per cent; 48822

(d) For tax year 2009, sixty per cent; 48823

(e) For tax year 2010, eighty per cent; 48824

(f) For tax year 2011 and thereafter, one hundred per cent. 48825

(5) Division (C)(5) of this section applies to any school 48826  
district, joint vocational school district, or local taxing unit 48827  
in a county in which is located a facility currently or formerly 48828  
devoted to the enrichment or commercialization of uranium or 48829  
uranium products, and for which the total taxable value of 48830  
property listed on the general tax list of personal property for 48831  
any tax year from tax year 2001 to tax year 2004 was fifty per 48832  
cent or less of the taxable value of such property listed on the 48833  
general tax list of personal property for the next preceding tax 48834  
year. 48835

In computing the fixed-rate levy losses under divisions 48836  
(D)(1), (2), and (3) of this section for any school district, 48837  
joint vocational school district, or local taxing unit to which 48838  
division (C)(5) of this section applies, the taxable value of such 48839  
property as listed on the general tax list of personal property 48840  
for tax year 2000 shall be substituted for the taxable value of 48841  
such property as reported by taxpayers for tax year 2004, in the 48842  
taxing district containing the uranium facility, if the taxable 48843  
value listed for tax year 2000 is greater than the taxable value 48844  
reported by taxpayers for tax year 2004. For the purpose of making 48845  
the computations under divisions (D)(1), (2), and (3) of this 48846

section, the tax year 2000 valuation is to be allocated to 48847  
machinery and equipment, inventory, and furniture and fixtures 48848  
property in the same proportions as the tax year 2004 values. For 48849  
the purpose of the calculations in division (A) of section 5751.21 48850  
of the Revised Code, the tax year 2004 taxable values shall be 48851  
used. 48852

To facilitate the calculations required under division (C) of 48853  
this section, the county auditor, upon request from the tax 48854  
commissioner, shall provide by August 1, 2005, the values of 48855  
machinery and equipment, inventory, and furniture and fixtures for 48856  
all single-county personal property taxpayers for tax year 2004. 48857

(D) Not later than September 15, 2005, the tax commissioner 48858  
shall determine for each tax year from 2006 through 2009 for each 48859  
school district, joint vocational school district, and local 48860  
taxing unit its machinery and equipment, inventory, and furniture 48861  
and fixtures fixed-rate levy losses, and for each tax year from 48862  
2006 through 2011 its telephone property fixed-rate levy loss, 48863  
which are the applicable amounts described in divisions (D)(1), 48864  
(2), (3), and (4) of this section: 48865

(1) The machinery and equipment fixed-rate levy loss is the 48866  
machinery and equipment property tax value loss multiplied by the 48867  
sum of the tax rates of fixed-rate qualifying levies. 48868

(2) The inventory fixed-rate loss is the inventory property 48869  
tax value loss multiplied by the sum of the tax rates of 48870  
fixed-rate qualifying levies. 48871

(3) The furniture and fixtures fixed-rate levy loss is the 48872  
furniture and fixture property tax value loss multiplied by the 48873  
sum of the tax rates of fixed-rate qualifying levies. 48874

(4) The telephone property fixed-rate levy loss is the 48875  
telephone property tax value loss multiplied by the sum of the tax 48876  
rates of fixed-rate qualifying levies. 48877

(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section:

(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 through 2017 the telephone property tax value loss of the district or unit multiplied by the sum of the fixed-sum tax rates of qualifying levies. For 2006 through 2010, this computation shall include all qualifying levies remaining in effect for the current tax year and any school district emergency levies that are qualifying levies not remaining in effect for the current year. For 2011 through 2017, this computation shall include only qualifying levies remaining in effect for the current year. For purposes of this computation, a qualifying school district emergency levy remains in effect in a year after 2010 only if, for that year, the board of education levies a school district emergency levy for an annual sum at least equal to the annual sum levied by the board in tax year 2004 less the amount of the payment certified under this division for 2006.

(2) The total taxable value in tax year 2004 less the sum of the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses in each school district, joint vocational school district, and local taxing unit multiplied by one-half of one mill per dollar.

(3) For the calculations in divisions (E)(1) and (2) of this section, the tax value losses are those that would be calculated for tax year 2009 under divisions (C)(1), (2), and (3) of this section and for tax year 2011 under division (C)(4) of this

section. 48910

(4) To facilitate the calculation under divisions (D) and (E) 48911  
of this section, not later than September 1, 2005, any school 48912  
district, joint vocational school district, or local taxing unit 48913  
that has a qualifying levy that was approved at an election 48914  
conducted during 2005 before September 1, 2005, shall certify to 48915  
the tax commissioner a copy of the county auditor's certificate of 48916  
estimated property tax millage for such levy as required under 48917  
division (B) of section 5705.03 of the Revised Code, which is the 48918  
rate that shall be used in the calculations under such divisions. 48919

If the amount determined under division (E) of this section 48920  
for any school district, joint vocational school district, or 48921  
local taxing unit is greater than zero, that amount shall equal 48922  
the reimbursement to be paid pursuant to division (D) of section 48923  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 48924  
and the one-half of one mill that is subtracted under division 48925  
(E)(2) of this section shall be apportioned among all contributing 48926  
fixed-sum levies in the proportion that each levy bears to the sum 48927  
of all fixed-sum levies within each school district, joint 48928  
vocational school district, or local taxing unit. 48929

(F) Not later than October 1, 2005, the tax commissioner 48930  
shall certify to the department of education for every school 48931  
district and joint vocational school district the machinery and 48932  
equipment, inventory, furniture and fixtures, and telephone 48933  
property tax value losses determined under division (C) of this 48934  
section, the machinery and equipment, inventory, furniture and 48935  
fixtures, and telephone fixed-rate levy losses determined under 48936  
division (D) of this section, and the fixed-sum levy losses 48937  
calculated under division (E) of this section. The calculations 48938  
under divisions (D) and (E) of this section shall separately 48939  
display the levy loss for each levy eligible for reimbursement. 48940

(G) Not later than October 1, 2005, the tax commissioner 48941



shall certify the amount of the fixed-sum levy losses to the 48942  
county auditor of each county in which a school district, joint 48943  
vocational school district, or local taxing unit with a fixed-sum 48944  
levy loss reimbursement has territory. 48945

**Sec. 5751.21.** (A) Not later than the ~~thirty-first~~ fifteenth 48946  
day of July of 2007 through 2017, the department of education 48947  
shall consult with the director of budget and management and 48948  
determine the following for each school district and each joint 48949  
vocational school district eligible for payment under division (B) 48950  
of this section: 48951

(1) The state education aid offset, which is the difference 48952  
obtained by subtracting the amount described in division (A)(1)(b) 48953  
of this section from the amount described in division (A)(1)(a) of 48954  
this section: 48955

(a) The state education aid computed for the school district 48956  
or joint vocational school district for the current fiscal year as 48957  
of the ~~thirty-first~~ fifteenth day of July; 48958

(b) The state education aid that would be computed for the 48959  
school district or joint vocational school district for the 48960  
current fiscal year as of the ~~thirty-first~~ fifteenth day of July 48961  
if the recognized valuation included the machinery and equipment, 48962  
inventory, furniture and fixtures, and telephone property tax 48963  
value losses for the school district or joint vocational school 48964  
district for the second preceding tax year. 48965

(2) The greater of zero or the difference obtained by 48966  
subtracting the state education aid offset determined under 48967  
division (A)(1) of this section from the sum of the machinery and 48968  
equipment fixed-rate levy loss, the inventory fixed-rate levy 48969  
loss, furniture and fixtures fixed-rate levy loss, and telephone 48970  
property fixed-rate levy loss certified under division (F) of 48971  
section 5751.20 of the Revised Code for all taxing districts in 48972

each school district and joint vocational school district for the 48973  
second preceding tax year. 48974

By the ~~fifth~~ twentieth day of ~~August~~ July of each such year, 48975  
the department of education and the director of budget and 48976  
management shall ~~certify~~ agree upon the amount ~~so~~ to be determined 48977  
under division (A)(1) of this section ~~to the director of budget~~ 48978  
~~and management~~. 48979

(B) The department of education shall pay from the school 48980  
district tangible property tax replacement fund to each school 48981  
district and joint vocational school district all of the following 48982  
for fixed-rate levy losses certified under division (F) of section 48983  
5751.20 of the Revised Code: 48984

(1) On or before May 31, 2006, one-seventh of the total 48985  
fixed-rate levy loss for tax year 2006; 48986

(2) On or before August 31, 2006, and October 31, 2006, 48987  
one-half of six-sevenths of the total fixed-rate levy loss for tax 48988  
year 2006; 48989

(3) On or before May 31, 2007, one-seventh of the total 48990  
fixed-rate levy loss for tax year 2007; 48991

(4) On or before August 31, 2007, and October 31, 2007, 48992  
forty-three per cent of the amount determined under division 48993  
(A)(2) of this section for fiscal year 2008, but not less than 48994  
zero, plus one-half of six-sevenths of the difference between the 48995  
total fixed-rate levy loss for tax year 2007 and the total 48996  
fixed-rate levy loss for tax year 2006. 48997

(5) On or before May 31, 2008, fourteen per cent of the 48998  
amount determined under division (A)(2) of this section for fiscal 48999  
year 2008, but not less than zero, plus one-seventh of the 49000  
difference between the total fixed-rate levy loss for tax year 49001  
2008 and the total fixed-rate levy loss for tax year 2006. 49002

(6) On or before August 31, 2008, and October 31, 2008, 49003  
forty-three per cent of the amount determined under division 49004  
(A)(2) of this section for fiscal year 2009, but not less than 49005  
zero, plus one-half of six-sevenths of the difference between the 49006  
total fixed-rate levy loss in tax year 2008 and the total 49007  
fixed-rate levy loss in tax year 2007. 49008

(7) On or before May 31, 2009, fourteen per cent of the 49009  
amount determined under division (A)(2) of this section for fiscal 49010  
year 2009, but not less than zero, plus one-seventh of the 49011  
difference between the total fixed-rate levy loss for tax year 49012  
2009 and the total fixed-rate levy loss for tax year 2007. 49013

(8) On or before August 31, 2009, and October 31, 2009, 49014  
forty-three per cent of the amount determined under division 49015  
(A)(2) of this section for fiscal year 2010, but not less than 49016  
zero, plus one-half of six-sevenths of the difference between the 49017  
total fixed-rate levy loss in tax year 2009 and the total 49018  
fixed-rate levy loss in tax year 2008. 49019

(9) On or before May 31, 2010, fourteen per cent of the 49020  
amount determined under division (A)(2) of this section for fiscal 49021  
year 2010, but not less than zero, plus one-seventh of the 49022  
difference between the total fixed-rate levy loss in tax year 2010 49023  
and the total fixed-rate levy loss in tax year 2008. 49024

(10) On or before August 31, 2010, and October 31, 2010, 49025  
one-third of the amount determined under division (A)(2) of this 49026  
section for fiscal year 2011, but not less than zero, plus 49027  
one-half of six-sevenths of the difference between the telephone 49028  
property fixed-rate levy loss for tax year 2010 and the telephone 49029  
property fixed-rate levy loss for tax year 2009. 49030

(11) On or before May 31, 2011, fourteen per cent of the 49031  
amount determined under division (A)(2) of this section for fiscal 49032  
year 2011, but not less than zero, plus one-seventh of the 49033

difference between the telephone property fixed-rate levy loss for 49034  
tax year 2011 and the telephone property fixed-rate levy loss for 49035  
tax year 2009. 49036

(12) On or before August 31, 2011, October 31, 2011, and May 49037  
31, 2012, the amount determined under division (A)(2) of this 49038  
section multiplied by a fraction, the numerator of which is 49039  
fourteen and the denominator of which is seventeen, but not less 49040  
than zero, multiplied by one-third, plus one-half of six-sevenths 49041  
of the difference between the telephone property fixed-rate levy 49042  
loss for tax year 2011 and the telephone property fixed-rate levy 49043  
loss for tax year 2010. 49044

(13) On or before May 31, 2012, fourteen per cent of the 49045  
amount determined under division (A)(2) of this section for fiscal 49046  
year 2012, multiplied by a fraction, the numerator of which is 49047  
fourteen and the denominator of which is seventeen, plus 49048  
one-seventh of the difference between the telephone property 49049  
fixed-rate levy loss for tax year 2011 and the telephone property 49050  
fixed-rate levy loss for tax year 2010. 49051

(14) On or before August 31, 2012, October 31, 2012, and May 49052  
31, 2013, the amount determined under division (A)(2) of this 49053  
section multiplied by a fraction, the numerator of which is eleven 49054  
and the denominator of which is seventeen, but not less than zero, 49055  
multiplied by one-third. 49056

(15) On or before August 31, 2013, October 31, 2013, and May 49057  
31, 2014, the amount determined under division (A)(2) of this 49058  
section multiplied by a fraction, the numerator of which is nine 49059  
and the denominator of which is seventeen, but not less than zero, 49060  
multiplied by one-third. 49061

(16) On or before August 31, 2014, October 31, 2014, and May 49062  
31, 2015, the amount determined under division (A)(2) of this 49063  
section multiplied by a fraction, the numerator of which is seven 49064

and the denominator of which is seventeen, but not less than zero, 49065  
multiplied by one-third. 49066

(17) On or before August 31, 2015, October 31, 2015, and May 49067  
31, 2016, the amount determined under division (A)(2) of this 49068  
section multiplied by a fraction, the numerator of which is five 49069  
and the denominator of which is seventeen, but not less than zero, 49070  
multiplied by one-third. 49071

(18) On or before August 31, 2016, October 31, 2016, and May 49072  
31, 2017, the amount determined under division (A)(2) of this 49073  
section multiplied by a fraction, the numerator of which is three 49074  
and the denominator of which is seventeen, but not less than zero, 49075  
multiplied by one-third. 49076

(19) On or before August 31, 2017, October 31, 2017, and May 49077  
31, 2018, the amount determined under division (A)(2) of this 49078  
section multiplied by a fraction, the numerator of which is one 49079  
and the denominator of which is seventeen, but not less than zero, 49080  
multiplied by one-third. 49081

(20) After May 31, 2018, no payments shall be made under this 49082  
section. 49083

The department of education shall report to each school 49084  
district and joint vocational school district the apportionment of 49085  
the payments among the school district's or joint vocational 49086  
school district's funds based on the certifications under division 49087  
(F) of section 5751.20 of the Revised Code. 49088

Any qualifying levy that is a fixed-rate levy that is not 49089  
applicable to a tax year after 2010 does not qualify for any 49090  
reimbursement after the tax year to which it is last applicable. 49091

(C) For taxes levied within the ten-mill limitation for debt 49092  
purposes in tax year 2005, payments shall be made equal to one 49093  
hundred per cent of the loss computed as if the tax were a 49094  
fixed-rate levy, but those payments shall extend from fiscal year 49095

2006 through fiscal year 2018, as long as the qualifying levy 49096  
continues to be used for debt purposes. If the purpose of such a 49097  
qualifying levy is changed, that levy becomes subject to the 49098  
payments determined in division (B) of this section. 49099

(D)(1) Not later than January 1, 2006, for each fixed-sum 49100  
levy of each school district or joint vocational school district 49101  
and for each year for which a determination is made under division 49102  
(F) of section 5751.20 of the Revised Code that a fixed-sum levy 49103  
loss is to be reimbursed, the tax commissioner shall certify to 49104  
the department of education the fixed-sum levy loss determined 49105  
under that division. The certification shall cover a time period 49106  
sufficient to include all fixed-sum levies for which the 49107  
commissioner made such a determination. The department shall pay 49108  
from the school district property tax replacement fund to the 49109  
school district or joint vocational school district one-third of 49110  
the fixed-sum levy loss so certified for each year on or before 49111  
the last day of May, August, and October of the current year. 49112

(2) Beginning in 2006, by the first day of January of each 49113  
year, the tax commissioner shall review the certification 49114  
originally made under division (D)(1) of this section. If the 49115  
commissioner determines that a debt levy that had been scheduled 49116  
to be reimbursed in the current year has expired, a revised 49117  
certification for that and all subsequent years shall be made to 49118  
the department of education. 49119

(E) Beginning in September 2007 and through June 2018, the 49120  
director of budget and management shall transfer from the school 49121  
district tangible property tax replacement fund to the general 49122  
revenue fund each of the following: 49123

(1) On the first day of September, ~~the lesser of~~ one-fourth 49124  
of the amount ~~certified~~ determined for that fiscal year under 49125  
division (A)(1) of this section ~~or the balance in the school~~ 49126  
~~district tangible property tax replacement fund;~~ 49127

(2) On the first day of December, ~~the lesser of~~ one-fourth of 49128  
the amount ~~certified~~ determined for that fiscal year under 49129  
division (A)(1) of this section ~~or the balance in the school~~ 49130  
~~district tangible property tax replacement fund;~~ 49131

(3) On the first day of March, ~~the lesser of~~ one-fourth of 49132  
the amount ~~certified~~ determined for that fiscal year under 49133  
division (A)(1) of this section ~~or the balance in the school~~ 49134  
~~district tangible property tax replacement fund;~~ 49135

(4) On the first day of June, ~~the lesser of~~ one-fourth of the 49136  
amount ~~certified~~ determined for that fiscal year under division 49137  
(A)(1) of this section ~~or the balance in the school district~~ 49138  
~~tangible property tax replacement fund.~~ 49139

If, when a transfer is required under division (E)(1), (2), 49140  
(3), or (4) of this section, there is not sufficient money in the 49141  
school district tangible property tax replacement fund to make the 49142  
transfer in the required amount, the director shall transfer the 49143  
balance in the fund to the general revenue fund and may make 49144  
additional transfers on later dates as determined by the director 49145  
in a total amount that does not exceed one-fourth of the amount 49146  
determined for the fiscal year. 49147

(F) For each of the fiscal years 2006 through 2018, if the 49148  
total amount in the school district tangible property tax 49149  
replacement fund is insufficient to make all payments under 49150  
divisions (B), (C), and (D) of this section at the times the 49151  
payments are to be made, the director of budget and management 49152  
shall transfer from the general revenue fund to the school 49153  
district tangible property tax replacement fund the difference 49154  
between the total amount to be paid and the amount in the school 49155  
district tangible property tax replacement fund. For each fiscal 49156  
year after 2018, at the time payments under division (D) of this 49157  
section are to be made, the director of budget and management 49158  
shall transfer from the general revenue fund to the school 49159

district property tax replacement fund the amount necessary to 49160  
make such payments. 49161

(G) On the fifteenth day of June of 2006 through 2011, the 49162  
director of budget and management may transfer any balance in the 49163  
school district tangible property tax replacement fund to the 49164  
general revenue fund. At the end of fiscal years 2012 through 49165  
2018, any balance in the school district tangible property tax 49166  
replacement fund shall remain in the fund to be used in future 49167  
fiscal years for school purposes. 49168

(H) If all of the territory of a school district or joint 49169  
vocational school district is merged with another district, or if 49170  
a part of the territory of a school district or joint vocational 49171  
school district is transferred to an existing or newly created 49172  
district, the department of education, in consultation with the 49173  
tax commissioner, shall adjust the payments made under this 49174  
section as follows: 49175

(1) For a merger of two or more districts, the machinery and 49176  
equipment, inventory, furniture and fixtures, and telephone 49177  
property fixed-rate levy losses and the fixed-sum levy losses of 49178  
the successor district shall be equal to the sum of the machinery 49179  
and equipment, inventory, furniture and fixtures, and telephone 49180  
property fixed-rate levy losses and debt levy losses as determined 49181  
in section 5751.20 of the Revised Code, for each of the districts 49182  
involved in the merger. 49183

(2) If property is transferred from one district to a 49184  
previously existing district, the amount of machinery and 49185  
equipment, inventory, furniture and fixtures, and telephone 49186  
property tax value losses and fixed-rate levy losses that shall be 49187  
transferred to the recipient district shall be an amount equal to 49188  
the total machinery and equipment, inventory, furniture and 49189  
fixtures, and telephone property fixed-rate levy losses times a 49190  
fraction, the numerator of which is the value of business tangible 49191



personal property on the land being transferred in the most recent 49192  
year for which data are available, and the denominator of which is 49193  
the total value of business tangible personal property in the 49194  
district from which the land is being transferred in the most 49195  
recent year for which data are available. For each of the first 49196  
five years after the property is transferred, but not after fiscal 49197  
year 2012, if the tax rate in the recipient district is less than 49198  
the tax rate of the district from which the land was transferred, 49199  
one-half of the payments arising from the amount of fixed-rate 49200  
levy losses so transferred to the recipient district shall be paid 49201  
to the recipient district and one-half of the payments arising 49202  
from the fixed-rate levy losses so transferred shall be paid to 49203  
the district from which the land was transferred. Fixed-rate levy 49204  
losses so transferred shall be computed on the basis of the sum of 49205  
the rates of fixed-rate qualifying levies of the district from 49206  
which the land was transferred, notwithstanding division (D) of 49207  
this section. 49208

(3) After December 31, 2004, if property is transferred from 49209  
one or more districts to a district that is newly created out of 49210  
the transferred property, the newly created district shall be 49211  
deemed not to have any machinery and equipment, inventory, 49212  
furniture and fixtures, or telephone property fixed-rate levy 49213  
losses and the districts from which the property was transferred 49214  
shall have no reduction in their machinery and equipment, 49215  
inventory, furniture and fixtures, and telephone property 49216  
fixed-rate levy losses. 49217

(4) If the recipient district under division (H)(2) of this 49218  
section or the newly created district under divisions (H)(3) of 49219  
this section is assuming debt from one or more of the districts 49220  
from which the property was transferred and any of the districts 49221  
losing the property had fixed-sum levy losses, the department of 49222  
education, in consultation with the tax commissioner, shall make 49223

an equitable division of the fixed-sum levy loss reimbursements. 49224

**Sec. 5751.23.** (A) As used in this section: 49225

(1) "Administrative fees" means the dollar percentages 49226  
allowed by the county auditor for services or by the county 49227  
treasurer as fees, or paid to the credit of the real estate 49228  
assessment fund, under divisions (A) and ~~(B)~~(C) of section 319.54 49229  
and division (A) of section 321.26 of the Revised Code. 49230

(2) "Administrative fee loss" means a county's loss of 49231  
administrative fees due to its tax value loss, determined as 49232  
follows: 49233

(a) For purposes of the determination made under division (B) 49234  
of this section in the years 2006 through 2010, the administrative 49235  
fee loss shall be computed by multiplying the amounts determined 49236  
for all taxing districts in the county under divisions (D) and (E) 49237  
of section 5751.20 of the Revised Code by nine thousand six 49238  
hundred fifty-nine ten-thousandths of one per cent if total taxes 49239  
collected in the county in 2004 exceeded one hundred fifty million 49240  
dollars, or one and one thousand one hundred fifty-nine 49241  
ten-thousandths of one per cent if total taxes collected in the 49242  
county in 2004 were one hundred fifty million dollars or less; 49243

(b) For purposes of the determination under division (B) of 49244  
this section in the years after 2010, the administrative fee 49245  
losses shall be determined by multiplying the administrative fee 49246  
losses calculated for 2010 by the fractions in divisions (A)(1)(b) 49247  
to (i) of section 5751.22 of the Revised Code. 49248

(3) "Total taxes collected" means all money collected on any 49249  
tax duplicate of the county, other than the estate tax duplicates. 49250  
"Total taxes collected" does not include amounts received pursuant 49251  
to divisions (F) and (G) of section 321.24 or section 323.156 of 49252  
the Revised Code. 49253

(B) Not later than December 31, 2005, the tax commissioner 49254  
shall certify to each county auditor the tax levy losses 49255  
calculated under divisions (D) and (E) of section 5751.20 of the 49256  
Revised Code for each school district, joint vocational school 49257  
district, and local taxing unit in the county. Not later than the 49258  
thirty-first day of January of 2006 through 2017, the county 49259  
auditor shall determine the administrative fee loss for the county 49260  
and apportion that loss ratably among the school districts, joint 49261  
vocational school districts, and local taxing units on the basis 49262  
of the tax levy losses certified under this division. 49263

(C) On or before each of the days prescribed for the 49264  
settlements under divisions (A) and (C) of section 321.24 of the 49265  
Revised Code in the years 2006 through 2017, the county treasurer 49266  
shall deduct one-half of the amount apportioned to each school 49267  
district, joint vocational school district, and local taxing unit 49268  
from the portions of revenue payable to them. 49269

(D) On or before each of the days prescribed for settlements 49270  
under divisions (A) and (C) of section 321.24 of the Revised Code 49271  
in the years 2006 through 2017, the county auditor shall cause to 49272  
be deposited an amount equal to one-half of the amount of the 49273  
administrative fee loss in the same funds as if allowed as 49274  
administrative fees. 49275

**Sec. 5907.15.** There is hereby created in the state treasury 49276  
the Ohio veterans' homes rental, and service, ~~and medicare~~ 49277  
~~reimbursement~~ fund. Revenue generated from temporary use 49278  
agreements of a veterans' home, from the sale of meals at a home's 49279  
dining halls, and from rental, lease, or sharing agreements for 49280  
the use of facilities, supplies, equipment, utilities, or services 49281  
provided by a home, ~~and from medicare reimbursements~~ shall be 49282  
credited to the fund. The fund shall be used ~~only~~ for maintenance 49283  
costs of the homes and for the purchase of medications, medication 49284

services, medical supplies, and medical equipment by the homes. 49285

Sec. 5907.16. There is hereby created in the state treasury 49286  
the medicare services fund. Revenue from federal reimbursement of 49287  
medicare services that were provided at state veterans' homes 49288  
shall be credited to the fund. The fund shall be used for paying 49289  
the operating costs of the state veterans' homes. 49290

**Sec. 6109.21.** (A) Except as provided in divisions (D) and (E) 49291  
of this section, on and after January 1, 1994, no person shall 49292  
operate or maintain a public water system in this state without a 49293  
license issued by the director of environmental protection. A 49294  
person who operates or maintains a public water system on January 49295  
1, 1994, shall obtain an initial license under this section in 49296  
accordance with the following schedule: 49297

(1) If the public water system is a community water system, 49298  
not later than January 31, 1994; 49299

(2) If the public water system is not a community water 49300  
system and serves a nontransient population, not later than 49301  
January 31, 1994; 49302

(3) If the public water system is not a community water 49303  
system and serves a transient population, not later than January 49304  
31, 1995. 49305

A person proposing to operate or maintain a new public water 49306  
system after January 1, 1994, in addition to complying with 49307  
section 6109.07 of the Revised Code and rules adopted under it, 49308  
shall submit an application for an initial license under this 49309  
section to the director prior to commencing operation of the 49310  
system. 49311

A license or license renewal issued under this section shall 49312  
be renewed annually. Such a license or license renewal shall 49313  
expire on the thirtieth day of January in the year following its 49314

issuance. A license holder that proposes to continue operating the 49315  
public water system for which the license or license renewal was 49316  
issued shall apply for a license renewal at least thirty days 49317  
prior to that expiration date. 49318

The director shall adopt, and may amend and rescind, rules in 49319  
accordance with Chapter 119. of the Revised Code establishing 49320  
procedures governing and information to be included on 49321  
applications for licenses and license renewals under this section. 49322  
Through June 30, ~~2008~~ 2010, each application shall be accompanied 49323  
by the appropriate fee established under division (M) of section 49324  
3745.11 of the Revised Code, provided that an applicant for an 49325  
initial license who is proposing to operate or maintain a new 49326  
public water system after January 1, 1994, shall submit a fee that 49327  
equals a prorated amount of the appropriate fee established under 49328  
that division for the remainder of the licensing year. 49329

(B) Not later than thirty days after receiving a completed 49330  
application and the appropriate license fee for an initial license 49331  
under division (A) of this section, the director shall issue the 49332  
license for the public water system. Not later than thirty days 49333  
after receiving a completed application and the appropriate 49334  
license fee for a license renewal under division (A) of this 49335  
section, the director shall do one of the following: 49336

(1) Issue the license renewal for the public water system; 49337

(2) Issue the license renewal subject to terms and conditions 49338  
that the director determines are necessary to ensure compliance 49339  
with this chapter and rules adopted under it; 49340

(3) Deny the license renewal if the director finds that the 49341  
public water system was not operated in substantial compliance 49342  
with this chapter and rules adopted under it. 49343

(C) The director may suspend or revoke a license or license 49344  
renewal issued under this section if the director finds that the 49345

public water system was not operated in substantial compliance 49346  
with this chapter and rules adopted under it. The director shall 49347  
adopt, and may amend and rescind, rules in accordance with Chapter 49348  
119. of the Revised Code governing such suspensions and 49349  
revocations. 49350

(D)(1) As used in division (D) of this section, "church" 49351  
means a fellowship of believers, congregation, society, 49352  
corporation, convention, or association that is formed primarily 49353  
or exclusively for religious purposes and that is not formed or 49354  
operated for the private profit of any person. 49355

(2) This section does not apply to a church that operates or 49356  
maintains a public water system solely to provide water for that 49357  
church or for a campground that is owned by the church and 49358  
operated primarily or exclusively for members of the church and 49359  
their families. A church that, on or before March 5, 1996, has 49360  
obtained a license under this section for such a public water 49361  
system need not obtain a license renewal under this section. 49362

(E) This section does not apply to any public or nonpublic 49363  
school that meets minimum standards of the state board of 49364  
education that operates or maintains a public water system solely 49365  
to provide water for that school. 49366

Sec. 6111.0381. There is hereby created in the state treasury 49367  
the water quality protection fund. The fund shall consist of 49368  
federal grants, including grants made pursuant to the Federal 49369  
Water Pollution Control Act, and contributions made to the 49370  
environmental protection agency for water quality protection and 49371  
restoration. The director of environmental protection shall use 49372  
money in the fund for water quality protection and restoration. 49373

**Sec. 6111.04.** (A) Both of the following apply except as 49374  
otherwise provided in division (A) or (F) of this section: 49375

(1) No person shall cause pollution or place or cause to be placed any sewage, sludge, sludge materials, industrial waste, or other wastes in a location where they cause pollution of any waters of the state.

(2) Such an action prohibited under division (A)(1) of this section is hereby declared to be a public nuisance.

Divisions (A)(1) and (2) of this section do not apply if the person causing pollution or placing or causing to be placed wastes in a location in which they cause pollution of any waters of the state holds a valid, unexpired permit, or renewal of a permit, governing the causing or placement as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending.

(B) If the director of environmental protection administers a sludge management program pursuant to division (S) of section 6111.03 of the Revised Code, both of the following apply except as otherwise provided in division (B) or (F) of this section:

(1) No person, in the course of sludge management, shall place on land located in the state or release into the air of the state any sludge or sludge materials.

(2) An action prohibited under division (B)(1) of this section is hereby declared to be a public nuisance.

Divisions (B)(1) and (2) of this section do not apply if the person placing or releasing the sludge or sludge materials holds a valid, unexpired permit, or renewal of a permit, governing the placement or release as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending.

(C) No person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste,

or other wastes in excess of the permissive discharges specified 49407  
under an existing permit without first receiving a permit from the 49408  
director to do so. 49409

(D) No person to whom a sludge management permit has been 49410  
issued shall place on the land or release into the air of the 49411  
state any sludge or sludge materials in excess of the permissive 49412  
amounts specified under the existing sludge management permit 49413  
without first receiving a modification of the existing sludge 49414  
management permit or a new sludge management permit to do so from 49415  
the director. 49416

(E) The director may require the submission of plans, 49417  
specifications, and other information that the director considers 49418  
relevant in connection with the issuance of permits. 49419

(F) This section does not apply to any of the following: 49420

(1) Waters used in washing sand, gravel, other aggregates, or 49421  
mineral products when the washing and the ultimate disposal of the 49422  
water used in the washing, including any sewage, industrial waste, 49423  
or other wastes contained in the waters, are entirely confined to 49424  
the land under the control of the person engaged in the recovery 49425  
and processing of the sand, gravel, other aggregates, or mineral 49426  
products and do not result in the pollution of waters of the 49427  
state; 49428

(2) Water, gas, or other material injected into a well to 49429  
facilitate, or that is incidental to, the production of oil, gas, 49430  
artificial brine, or water derived in association with oil or gas 49431  
production and disposed of in a well, in compliance with a permit 49432  
issued under Chapter 1509. of the Revised Code, or sewage, 49433  
industrial waste, or other wastes injected into a well in 49434  
compliance with an injection well operating permit. Division 49435

(F)(2) of this section does not authorize, without a permit, any 49436  
discharge that is prohibited by, or for which a permit is required 49437



by, regulation of the United States environmental protection 49438  
agency. 49439

(3) Application of any materials to land for agricultural 49440  
purposes or runoff of the materials from that application or 49441  
pollution by animal waste or soil sediment, including attached 49442  
substances, resulting from farming, silvicultural, or earthmoving 49443  
activities regulated by Chapter 307. or 1511. of the Revised Code. 49444  
Division (F)(3) of this section does not authorize, without a 49445  
permit, any discharge that is prohibited by, or for which a permit 49446  
is required by, the Federal Water Pollution Control Act or 49447  
regulations adopted under it. 49448

(4) The excrement of domestic and farm animals defecated on 49449  
land or runoff therefrom into any waters of the state. Division 49450  
(F)(4) of this section does not authorize, without a permit, any 49451  
discharge that is prohibited by, or for which a permit is required 49452  
by, the Federal Water Pollution Control Act or regulations adopted 49453  
under it. 49454

(5) On and after the date on which the United States 49455  
environmental protection agency approves the NPDES program 49456  
submitted by the director of agriculture under section 903.08 of 49457  
the Revised Code, any discharge that is within the scope of the 49458  
approved NPDES program submitted by the director of agriculture; 49459

(6) The discharge of sewage, industrial waste, or other 49460  
wastes into a sewerage system tributary to a treatment works. 49461  
Division (F)(6) of this section does not authorize any discharge 49462  
into a publicly owned treatment works in violation of a 49463  
pretreatment program applicable to the publicly owned treatment 49464  
works. 49465

(7) ~~A household sewage treatment system or a small flow~~ 49466  
~~on-site sewage treatment system, as applicable, as defined in~~ 49467  
~~section 3718.01 of the Revised Code that is installed Septic tanks~~ 49468

or other disposal systems for the disposal or treatment of sewage 49469  
from single-family, two-family, or three-family dwellings in 49470  
compliance with ~~Chapter 3718.~~ the sanitary code and section 49471  
3707.01 of the Revised Code and rules adopted under it. Division 49472  
(F)(7) of this section does not authorize, without a permit, any 49473  
discharge that is prohibited by, or for which a permit is required 49474  
by, regulation of the United States environmental protection 49475  
agency. 49476

(8) Exceptional quality sludge generated outside of this 49477  
state and contained in bags or other containers not greater than 49478  
one hundred pounds in capacity. As used in division (F)(8) of this 49479  
section, "exceptional quality sludge" has the same meaning as in 49480  
division (Y) of section 3745.11 of the Revised Code. 49481

(G) The holder of a permit issued under section 402 (a) of 49482  
the Federal Water Pollution Control Act need not obtain a permit 49483  
for a discharge authorized by the permit until its expiration 49484  
date. Except as otherwise provided in this division, the director 49485  
of environmental protection shall administer and enforce those 49486  
permits within this state and may modify their terms and 49487  
conditions in accordance with division (J) of section 6111.03 of 49488  
the Revised Code. On and after the date on which the United States 49489  
environmental protection agency approves the NPDES program 49490  
submitted by the director of agriculture under section 903.08 of 49491  
the Revised Code, the director of agriculture shall administer and 49492  
enforce those permits within this state that are issued for any 49493  
discharge that is within the scope of the approved NPDES program 49494  
submitted by the director of agriculture. 49495

**Sec. 6111.44.** (A) Except as otherwise provided in division 49496  
(B) of this section, in section 6111.14 of the Revised Code, or in 49497  
rules adopted under division (G) of section 6111.03 of the Revised 49498  
Code, no municipal corporation, county, public institution, 49499

corporation, or officer or employee thereof or other person shall 49500  
provide or install sewerage or treatment works for sewage, sludge, 49501  
or sludge materials disposal or treatment or make a change in any 49502  
sewerage or treatment works until the plans therefor have been 49503  
submitted to and approved by the director of environmental 49504  
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 49505  
to sewerage and treatment works of a municipal corporation or part 49506  
thereof, an unincorporated community, a county sewer district, or 49507  
other land outside of a municipal corporation or any publicly or 49508  
privately owned building or group of buildings or place, used for 49509  
the assemblage, entertainment, recreation, education, correction, 49510  
hospitalization, housing, or employment of persons. 49511

In granting an approval, the director may stipulate 49512  
modifications, conditions, and rules that the public health and 49513  
prevention of pollution may require. Any action taken by the 49514  
director shall be a matter of public record and shall be entered 49515  
in the director's journal. Each period of thirty days that a 49516  
violation of this section continues, after a conviction for the 49517  
violation, constitutes a separate offense. 49518

(B) Sections 6111.45 and 6111.46 of the Revised Code and 49519  
division (A) of this section do not apply to any of the following: 49520

(1) Sewerage or treatment works for sewage installed or to be 49521  
installed for the use of a private residence or dwelling; 49522

(2) Sewerage systems, treatment works, or disposal systems 49523  
for storm water from an animal feeding facility or manure, as 49524  
"animal feeding facility" and "manure" are defined in section 49525  
903.01 of the Revised Code; 49526

(3) Animal waste treatment or disposal works and related 49527  
management and conservation practices that are subject to rules 49528  
adopted under division (E)(2) of section 1511.02 of the Revised 49529  
Code; 49530

~~(4) Sewerage or treatment works for the on lot disposal or treatment of sewage from a small flow on site sewage treatment system, as defined in section 3718.01 of the Revised Code, if the board of health of a city or general health district has notified the director of health and the director of environmental protection under section 3718.021 of the Revised Code that the board has chosen to regulate the system, provided that the board remains in compliance with the rules adopted under division (A)(13) of section 3718.02 of the Revised Code.~~

The exclusions established in divisions (B)(2) and (3) of this section do not apply to the construction or installation of disposal systems, as defined in section 6111.01 of the Revised Code, that are located at an animal feeding facility and that store, treat, or discharge wastewaters that do not include storm water or manure or that discharge to a publicly owned treatment works.

**Sec. 6121.04.** The Ohio water development authority may do any or all of the following:

(A) Adopt bylaws for the regulation of its affairs and the conduct of its business;

(B) Adopt an official seal;

(C) Maintain a principal office and suboffices at places within the state that it designates;

(D) Sue and plead in its own name and be sued and impleaded in its own name with respect to its contracts or torts of its members, employees, or agents acting within the scope of their employment, or to enforce its obligations and covenants made under sections 6121.06, 6121.08, and 6121.13 of the Revised Code. Any such actions against the authority shall be brought in the court of common pleas of the county in which the principal office of the

authority is located or in the court of common pleas of the county 49561  
in which the cause of action arose, provided that the county is 49562  
located within this state, and all summonses, exceptions, and 49563  
notices of every kind shall be served on the authority by leaving 49564  
a copy thereof at the principal office with the person in charge 49565  
thereof or with the secretary-treasurer of the authority. 49566

(E) Make loans and grants to governmental agencies for the 49567  
acquisition or construction of water development projects by any 49568  
such governmental agency and adopt rules and procedures for making 49569  
such loans and grants; 49570

(F) Acquire, construct, reconstruct, enlarge, improve, 49571  
furnish, equip, maintain, repair, operate, or lease or rent to, or 49572  
contract for operation by, a governmental agency or person, water 49573  
development projects, and establish rules for the use of those 49574  
projects; 49575

(G) Make available the use or services of any water 49576  
development project to one or more persons, one or more 49577  
governmental agencies, or any combination thereof; 49578

(H) Issue water development revenue bonds and notes and water 49579  
development revenue refunding bonds of the state, payable solely 49580  
from revenues as provided in section 6121.06 of the Revised Code, 49581  
unless the bonds are refunded by refunding bonds, for the purpose 49582  
of paying any part of the cost of one or more water development 49583  
projects or parts thereof; 49584

(I) Acquire by gift or purchase, hold, and dispose of real 49585  
and personal property in the exercise of its powers and the 49586  
performance of its duties under this chapter; 49587

(J) Acquire, in the name of the state, by purchase or 49588  
otherwise, on terms and in the manner that it considers proper, or 49589  
by the exercise of the right of condemnation in the manner 49590  
provided by section 6121.18 of the Revised Code, public or private 49591

lands, including public parks, playgrounds, or reservations, or 49592  
parts thereof or rights therein, rights-of-way, property, rights, 49593  
easements, and interests that it considers necessary for carrying 49594  
out this chapter, but excluding the acquisition by the exercise of 49595  
the right of condemnation of any waste water facility or water 49596  
management facility owned by any person or governmental agency, 49597  
and compensation shall be paid for public or private lands so 49598  
taken, except that a government-owned waste water facility may be 49599  
appropriated in accordance with section 6121.041 of the Revised 49600  
Code; 49601

(K) Adopt rules to protect augmented flow in waters of the 49602  
state, to the extent augmented by a water development project, 49603  
from depletion so it will be available for beneficial use, and to 49604  
provide standards for the withdrawal from waters of the state of 49605  
the augmented flow created by a water development project that is 49606  
not returned to the waters of the state so augmented and to 49607  
establish reasonable charges therefor if considered necessary by 49608  
the authority; 49609

(L) Make and enter into all contracts and agreements and 49610  
execute all instruments necessary or incidental to the performance 49611  
of its duties and the execution of its powers under this chapter 49612  
in accordance with the following requirements: 49613

(1) When the cost under any such contract or agreement, other 49614  
than compensation for personal services, involves an expenditure 49615  
of more than twenty-five thousand dollars, the authority shall 49616  
make a written contract with the lowest responsive and responsible 49617  
bidder, in accordance with section 9.312 of the Revised Code, 49618  
after advertisement for not less than two consecutive weeks in a 49619  
newspaper of general circulation in Franklin county, and in other 49620  
publications that the authority determines, which shall state the 49621  
general character of the work and the general character of the 49622  
materials to be furnished, the place where plans and 49623

specifications therefor may be examined, and the time and place of receiving bids, provided that a contract or lease for the operation of a water development project constructed and owned by the authority or an agreement for cooperation in the acquisition or construction of a water development project pursuant to section 6121.13 of the Revised Code or any contract for the construction of a water development project that is to be leased by the authority to, and operated by, persons who are not governmental agencies and the cost of the project is to be amortized exclusively from rentals or other charges paid to the authority by persons who are not governmental agencies is not subject to the foregoing requirements and the authority may enter into such a contract or lease or such an agreement pursuant to negotiation and upon terms and conditions and for the period that it finds to be reasonable and proper in the circumstances and in the best interests of proper operation or of efficient acquisition or construction of the project.

(2) Each bid for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement shall contain the full name of every person interested in it and shall meet the requirements of section 153.54 of the Revised Code.

(3) Each bid for a contract except as provided in division (L)(2) of this section shall contain the full name of every person or company interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted, a contract will be entered into and the performance thereof secured.

(4) The authority may reject any and all bids.

(5) A bond with good and sufficient surety, approved by the authority, shall be required of every contractor awarded a contract except as provided in division (L)(2) of this section, in an amount equal to at least fifty per cent of the contract price,

conditioned upon the faithful performance of the contract. 49656

(M) Employ managers, superintendents, and other employees and 49657  
retain or contract with consulting engineers, financial 49658  
consultants, accounting experts, architects, attorneys, and other 49659  
consultants and independent contractors that are necessary in its 49660  
judgment to carry out this chapter, and fix the compensation 49661  
thereof. All expenses thereof shall be payable solely from the 49662  
proceeds of water development revenue bonds or notes issued under 49663  
this chapter, from revenues, or from funds appropriated for that 49664  
purpose by the general assembly. 49665

(N) Receive and accept from any federal agency, subject to 49666  
the approval of the governor, grants for or in aid of the 49667  
construction of any water development project or for research and 49668  
development with respect to waste water or water management 49669  
facilities, and receive and accept aid or contributions from any 49670  
source of money, property, labor, or other things of value, to be 49671  
held, used, and applied only for the purposes for which the grants 49672  
and contributions are made; 49673

(O) Engage in research and development with respect to waste 49674  
water or water management facilities; 49675

(P) Purchase fire and extended coverage and liability 49676  
insurance for any water development project and for the principal 49677  
office and suboffices of the authority, insurance protecting the 49678  
authority and its officers and employees against liability for 49679  
damage to property or injury to or death of persons arising from 49680  
its operations, and any other insurance the authority may agree to 49681  
provide under any resolution authorizing its water development 49682  
revenue bonds or in any trust agreement securing the same; 49683

(Q) Charge, alter, and collect rentals and other charges for 49684  
the use or services of any water development project as provided 49685  
in section 6121.13 of the Revised Code; 49686



(R) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code; 49687  
49688

(S) Assist in the implementation and administration of the 49689  
drinking water assistance fund and program created in section 49690  
6109.22 of the Revised Code and the water pollution control loan 49691  
fund and program created in section 6111.036 of the Revised Code, 49692  
including, without limitation, performing or providing fiscal 49693  
management for the funds and investing and disbursing moneys in 49694  
the funds, and enter into all necessary and appropriate agreements 49695  
with the director of environmental protection for those purposes; 49696

(T) Issue water development revenue bonds and notes of the 49697  
state in principal amounts that are necessary for the purpose of 49698  
raising moneys for the sole benefit of the water pollution control 49699  
loan fund created in section 6111.036 of the Revised Code, 49700  
including moneys to meet the requirement for providing matching 49701  
moneys under division (D) of that section. The bonds and notes may 49702  
be secured by appropriate trust agreements and repaid from moneys 49703  
credited to the fund from payments of principal and interest on 49704  
loans made from the fund, as provided in division (F) of section 49705  
6111.036 of the Revised Code. 49706

(U) Issue water development revenue bonds and notes of the 49707  
state in principal amounts that are necessary for the purpose of 49708  
raising moneys for the sole benefit of the drinking water 49709  
assistance fund created in section 6109.22 of the Revised Code, 49710  
including moneys to meet the requirement for providing matching 49711  
moneys under divisions (B) and (F) of that section. The bonds and 49712  
notes may be secured by appropriate trust agreements and repaid 49713  
from moneys credited to the fund from payments of principal and 49714  
interest on loans made from the fund, as provided in division (F) 49715  
of section 6109.22 of the Revised Code. 49716

(V) Make loans to and enter into agreements with boards of 49717  
county commissioners for the purposes of section ~~1521.26~~ 1506.44 49718

of the Revised Code and adopt rules establishing requirements and 49719  
procedures for making the loans and entering into the agreements; 49720

(W) Do all acts necessary or proper to carry out the powers 49721  
expressly granted in this chapter. 49722

Any instrument by which real property is acquired pursuant to 49723  
this section shall identify the agency of the state that has the 49724  
use and benefit of the real property as specified in section 49725  
5301.012 of the Revised Code. 49726

**Sec. 6121.043.** If a governmental agency fails to pay any 49727  
charge imposed pursuant to an order issued under section 6121.041 49728  
of the Revised Code within sixty days of the date due, such charge 49729  
shall be deducted from the amount of the undivided local 49730  
~~government~~ communities fund to which the agency is entitled 49731  
pursuant to section 5747.51 or 5747.53 of the Revised Code, and 49732  
shall be paid directly to the Ohio water development authority. If 49733  
a person fails to pay a charge within sixty days of the date due, 49734  
the authority shall certify such charge to the county auditor, who 49735  
shall place the charge on the real property tax list and duplicate 49736  
against the property served. Such charge becomes a lien on such 49737  
property from the date it is certified by the authority, and shall 49738  
be collected in the manner that taxes are ordinarily collected and 49739  
forwarded to the authority. 49740

Any revenues or other moneys pledged against obligations 49741  
which are collected by the authority in the operation of a single 49742  
or regional system of waste water facilities shall first be 49743  
applied to the payment of debt service on such obligations. No 49744  
action of the authority relieves a governmental agency of any duty 49745  
which it may have to pay such obligations. 49746

**Sec. 6131.23.** The assessments estimated in accordance with 49747  
section 6131.14 of the Revised Code shall be payable in not less 49748

than two semiannual installments. At the time of the final 49749  
hearing, in the order approving the levying of the assessments, 49750  
the board of county commissioners shall determine how long a 49751  
period of time, in semiannual installments, as taxes are paid, 49752  
shall be given the owners of land benefited to pay the assessments 49753  
that are made for an improvement and whether or not bonds or notes 49754  
shall be issued and sold in anticipation of such payments. If 49755  
bonds or notes are to be issued, the interest shall be added to 49756  
the assessments. If the estimated cost of the improvement does not 49757  
exceed five hundred dollars, not more than two semiannual 49758  
installments, as taxes are paid, shall be given to owners of lands 49759  
benefited to pay the assessments that are made for the 49760  
improvement. If the estimated cost of the improvement exceeds five 49761  
hundred dollars, the board may determine the number of 49762  
installments in which the assessments are to be paid. If any such 49763  
assessment is twenty-five dollars or less, or whenever the unpaid 49764  
balance of any such assessment is twenty-five dollars or less, the 49765  
same shall be paid in full, and not in installments, at the time 49766  
the first or next installment would otherwise become due. 49767

When assessments are payable in installments and county 49768  
general funds are used to pay for the improvement, the assessment 49769  
shall not exceed ~~ten~~ thirty semiannual installments, as computed 49770  
by the county auditor pursuant to section 6131.49 of the Revised 49771  
Code, and shall be payable upon completion of the contract. 49772

When assessments are made payable in installments and bonds 49773  
or notes have been sold to pay for the improvement, interest shall 49774  
be added to the installments of assessments at the same rate as is 49775  
drawn by the bonds or notes issued to pay for the improvements. 49776  
Any owner may pay the estimated assessments on the owner's land in 49777  
cash within thirty days after the final hearing without paying any 49778  
interest thereon. If the legislative authority of a political 49779  
subdivision chooses to pay the assessments on all parcels within 49780

the subdivision, both public and private, in one installment, it 49781  
shall pass a resolution so stating and shall send the resolution, 49782  
or a copy thereof, to the board of county commissioners before 49783  
making the payment. The legislative authority shall pay all 49784  
subsequent maintenance assessments levied under section 6137.03 of 49785  
the Revised Code if it chooses to pay the construction assessments 49786  
on all parcels within the subdivision. 49787

Bonds may be sold for any repayment period that the board of 49788  
county commissioners may determine proper, not to exceed ~~sixteen~~ 49789  
thirty semiannual installments, except that for bonds sold by a 49790  
board of county commissioners for soil and water conservation 49791  
district improvements pursuant to section 1515.24 of the Revised 49792  
Code, the repayment period shall not exceed thirty semiannual 49793  
installments. 49794

**Section 101.02.** That existing sections 9.821, 9.822, 9.823, 49795  
9.83, 107.12, 107.40, 109.57, 109.572, 109.93, 111.18, 118.01, 49796  
118.08, 118.17, 118.20, 118.23, 119.07, 120.33, 122.17, 122.171, 49797  
122.602, 124.152, 125.45, 125.93, 125.96, 125.97, 125.98, 126.07, 49798  
126.08, 126.16, 126.21, 126.22, 127.14, 127.16, 131.44, 133.01, 49799  
133.10, 133.25, 135.35, 135.352, 151.08, 151.40, 152.31, 156.02, 49800  
164.03, 164.05, 164.051, 164.08, 164.09, 166.08, 173.04, 173.35, 49801  
173.71, 173.85, 173.86, 174.03, 174.06, 183.01, 183.021, 183.17, 49802  
183.33, 183.34, 183.35, 307.021, 307.37, 307.695, 307.6910, 49803  
307.98, 307.981, 308.04, 317.08, 319.202, 319.281, 319.54, 321.08, 49804  
322.01, 323.151, 323.152, 323.153, 323.154, 325.31, 329.04, 49805  
329.05, 329.14, 340.03, 505.376, 517.08, 521.01, 709.191, 711.05, 49806  
711.10, 711.131, 718.13, 742.301, 1503.05, 1504.02, 1506.01, 49807  
1506.99, 1521.01, 1521.20, 1521.21, 1521.22, 1521.23, 1521.24, 49808  
1521.25, 1521.26, 1521.27, 1521.28, 1521.29, 1521.30, 1521.99, 49809  
1531.06, 1531.35, 1548.06, 1555.08, 1557.03, 1901.34, 2151.362, 49810  
2913.40, 2921.42, 2927.023, 2935.03, 3109.04, 3109.041, 3119.022, 49811  
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3301.0714, 3301.53, 3302.03, 3302.10, 3311.24, 3313.41, 3313.615, 49813  
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3314.03, 3314.074, 3314.08, 3314.26, 3317.01, 3317.012, 3317.013, 49815  
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3317.022, 3317.023, 3317.024, 3317.025, 3317.026, 3317.027, 49817  
3317.028, 3317.029, 3317.0216, 3317.0217, 3317.03, 3317.04, 49818  
3317.05, 3317.06, 3317.08, 3317.16, 3317.20, 3317.201, 3318.12, 49819  
3318.15, 3318.26, 3319.55, 3321.01, 3323.01, 3323.11, 3327.05, 49820  
3333.04, 3333.122, 3333.38, 3357.01, 3365.01, 3375.05, 3375.121, 49821  
3375.40, 3375.85, 3381.04, 3501.17, 3701.74, 3701.741, 3701.83, 49822  
3702.52, 3702.5211, 3702.5212, 3702.5213, 3702.57, 3702.63, 49823  
3702.68, 3704.03, 3704.14, 3705.24, 3709.09, 3709.091, 3721.51, 49824  
3721.541, 3721.56, 3734.57, 3735.672, 3745.11, 3746.04, 3769.087, 49825  
3770.03, 3770.06, 3905.36, 4123.35, 4141.09, 4301.43, 4503.06, 49826  
4503.061, 4503.064, 4503.065, 4503.066, 4503.067, 4503.10, 49827  
4503.102, 4503.35, 4505.06, 4513.263, 4513.35, 4519.55, 4717.07, 49828  
4723.621, 4723.63, 4723.64, 4723.65, 4723.66, 4731.142, 4731.22, 49829  
4736.01, 4743.05, 4755.03, 4766.05, 4775.08, 4921.40, 5101.162, 49830  
5101.21, 5101.211, 5101.212, 5101.213, 5101.24, 5101.242, 49831  
5101.244, 5101.26, 5101.47, 5101.50, 5101.521, 5101.571, 5101.572, 49832  
5101.58, 5101.59, 5101.802, 5101.98, 5104.30, 5107.02, 5107.03, 49833  
5107.05, 5107.10, 5107.12, 5107.14, 5107.16, 5107.17, 5107.281, 49834  
5107.30, 5107.36, 5107.41, 5107.42, 5111.01, 5111.014, 5111.016, 49835  
5111.019, 5111.0112, 5111.023, 5111.03, 5111.06, 5111.084, 49836  
5111.10, 5111.101, 5111.163, 5111.17, 5111.20, 5111.871, 49837  
5111.8814, 5111.95, 5111.96, 5112.341, 5115.12, 5119.611, 5123.01, 49838  
5123.043, 5123.045, 5123.051, 5123.19, 5123.196, 5123.198, 49839  
5123.20, 5123.211, 5123.38, 5123.41, 5123.51, 5123.99, 5126.038, 49840  
5126.042, 5126.046, 5126.055, 5126.057, 5126.06, 5126.11, 5126.12, 49841  
5126.15, 5126.18, 5126.19, 5126.25, 5126.40, 5126.42, 5126.43, 49842  
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5531.10, 5537.04, 5537.16, 5537.99, 5705.28, 5705.281, 5705.29, 49844  
5705.30, 5705.31, 5705.32, 5705.321, 5705.37, 5709.68, 5709.882, 49845

5715.36, 5719.041, 5725.151, 5725.24, 5727.45, 5727.84, 5727.85, 49846  
5727.87, 5733.01, 5733.12, 5733.98, 5739.02, 5739.033, 5739.12, 49847  
5739.21, 5741.02, 5741.03, 5743.01, 5743.20, 5743.331, 5745.02, 49848  
5745.05, 5745.13, 5747.03, 5747.46, 5747.47, 5747.48, 5747.50, 49849  
5747.501, 5747.51, 5747.52, 5747.53, 5747.54, 5747.55, 5747.98, 49850  
5748.01, 5748.02, 5748.021, 5748.04, 5748.08, 5751.20, 5751.21, 49851  
5751.23, 5907.15, 6109.21, 6111.04, 6111.44, 6121.04, 6121.043, 49852  
and 6131.23 of the Revised Code are hereby repealed. 49853

**Section 105.01.** That sections 125.95, 183.02, 183.27, 183.32, 49854  
3310.01, 3310.02, 3310.03, 3310.04, 3310.05, 3310.06, 3310.07, 49855  
3310.08, 3310.09, 3310.10, 3310.11, 3310.12, 3310.13, 3310.14, 49856  
3310.17, 3318.47, 3318.48, 3318.49, 3333.29, 3702.68, 3718.01, 49857  
3718.02, 3718.021, 3718.03, 3718.04, 3718.05, 3718.06, 3718.07, 49858  
3718.08, 3718.09, 3718.10, 3718.99, 4911.021, 5111.161, 5123.16, 49859  
5123.182, 5123.199, 5126.035, 5126.036, 5126.053, 5126.431, 49860  
5126.44, 5126.451, 5747.61, 5747.62, 5747.63, and 6111.441 of the 49861  
Revised Code are hereby repealed. 49862

**Section 105.03.** That the version of section 3702.68 of the 49863  
Revised Code that was to have taken effect July 1, 2007, as a 49864  
result of Sections 3 to 5 of Am. Sub. S.B. 50 of the 121st General 49865  
Assembly, as most recently amended by Am. Sub. H.B. 66 of the 49866  
126th General Assembly, is hereby repealed. It is the intent of 49867  
this section to prevent the amendment of section 3702.68 of the 49868  
Revised Code that was to have taken effect July 1, 2007. 49869

**Section 110.07.** That the version of section 127.16 of the 49870  
Revised Code that is scheduled to take effect July 1, 2007, be 49871  
amended to read as follows: 49872

**Sec. 127.16.** (A) Upon the request of either a state agency or 49873  
the director of budget and management and after the controlling 49874

board determines that an emergency or a sufficient economic reason 49875  
exists, the controlling board may approve the making of a purchase 49876  
without competitive selection as provided in division (B) of this 49877  
section. 49878

(B) Except as otherwise provided in this section, no state 49879  
agency, using money that has been appropriated to it directly, 49880  
shall: 49881

(1) Make any purchase from a particular supplier, that would 49882  
amount to fifty thousand dollars or more when combined with both 49883  
the amount of all disbursements to the supplier during the fiscal 49884  
year for purchases made by the agency and the amount of all 49885  
outstanding encumbrances for purchases made by the agency from the 49886  
supplier, unless the purchase is made by competitive selection or 49887  
with the approval of the controlling board; 49888

(2) Lease real estate from a particular supplier, if the 49889  
lease would amount to seventy-five thousand dollars or more when 49890  
combined with both the amount of all disbursements to the supplier 49891  
during the fiscal year for real estate leases made by the agency 49892  
and the amount of all outstanding encumbrances for real estate 49893  
leases made by the agency from the supplier, unless the lease is 49894  
made by competitive selection or with the approval of the 49895  
controlling board. 49896

(C) Any person who authorizes a purchase in violation of 49897  
division (B) of this section shall be liable to the state for any 49898  
state funds spent on the purchase, and the attorney general shall 49899  
collect the amount from the person. 49900

(D) Nothing in division (B) of this section shall be 49901  
construed as: 49902

(1) A limitation upon the authority of the director of 49903  
transportation as granted in sections 5501.17, 5517.02, and 49904  
5525.14 of the Revised Code; 49905

(2) Applying to medicaid provider agreements under Chapter 49906  
5111. of the Revised Code or payments or provider agreements under 49907  
the disability medical assistance program established under 49908  
Chapter 5115. of the Revised Code; 49909

(3) Applying to the purchase of examinations from a sole 49910  
supplier by a state licensing board under Title XLVII of the 49911  
Revised Code; 49912

(4) Applying to entertainment contracts for the Ohio state 49913  
fair entered into by the Ohio expositions commission, provided 49914  
that the controlling board has given its approval to the 49915  
commission to enter into such contracts and has approved a total 49916  
budget amount for such contracts as agreed upon by commission 49917  
action, and that the commission causes to be kept itemized records 49918  
of the amounts of money spent under each contract and annually 49919  
files those records with the clerk of the house of representatives 49920  
and the clerk of the senate following the close of the fair; 49921

(5) Limiting the authority of the chief of the division of 49922  
mineral resources management to contract for reclamation work with 49923  
an operator mining adjacent land as provided in section 1513.27 of 49924  
the Revised Code; 49925

(6) Applying to investment transactions and procedures of any 49926  
state agency, except that the agency shall file with the board the 49927  
name of any person with whom the agency contracts to make, broker, 49928  
service, or otherwise manage its investments, as well as the 49929  
commission, rate, or schedule of charges of such person with 49930  
respect to any investment transactions to be undertaken on behalf 49931  
of the agency. The filing shall be in a form and at such times as 49932  
the board considers appropriate. 49933

(7) Applying to purchases made with money for the per cent 49934  
for arts program established by section 3379.10 of the Revised 49935  
Code; 49936



(8) Applying to purchases made by the rehabilitation services	49937
commission of services, or supplies, that are provided to persons	49938
with disabilities, or to purchases made by the commission in	49939
connection with the eligibility determinations it makes for	49940
applicants of programs administered by the social security	49941
administration;	49942
(9) Applying to payments by the department of job and family	49943
services under section 5111.13 of the Revised Code for group	49944
health plan premiums, deductibles, coinsurance, and other	49945
cost-sharing expenses;	49946
(10) Applying to any agency of the legislative branch of the	49947
state government;	49948
(11) Applying to agreements or contracts entered into under	49949
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the	49950
Revised Code;	49951
(12) Applying to purchases of services by the adult parole	49952
authority under section 2967.14 of the Revised Code or by the	49953
department of youth services under section 5139.08 of the Revised	49954
Code;	49955
(13) Applying to dues or fees paid for membership in an	49956
organization or association;	49957
(14) Applying to purchases of utility services pursuant to	49958
section 9.30 of the Revised Code;	49959
(15) Applying to purchases made in accordance with rules	49960
adopted by the department of administrative services of motor	49961
vehicle, aviation, or watercraft fuel, or emergency repairs of	49962
such vehicles;	49963
(16) Applying to purchases of tickets for passenger air	49964
transportation;	49965
(17) Applying to purchases necessary to provide public	49966

notifications required by law or to provide notifications of job openings;	49967 49968
(18) Applying to the judicial branch of state government;	49969
(19) Applying to purchases of liquor for resale by the division of liquor control;	49970 49971
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	49972 49973 49974
(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;	49975 49976 49977 49978
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	49979 49980 49981
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	49982 49983
(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;	49984 49985 49986 49987
(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;	49988 49989 49990
(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;	49991 49992 49993 49994 49995
(27) Applying to contracts entered into by the department of	49996

mental retardation and developmental disabilities under <del>sections</del>	49997
<u>section</u> 5123.18, <del>5123.182, and 5123.199</del> of the Revised Code;	49998
(28) Applying to payments made by the department of mental	49999
health under a physician recruitment program authorized by section	50000
5119.101 of the Revised Code;	50001
(29) Applying to contracts entered into with persons by the	50002
director of commerce for unclaimed funds collection and remittance	50003
efforts as provided in division (F) of section 169.03 of the	50004
Revised Code. The director shall keep an itemized accounting of	50005
unclaimed funds collected by those persons and amounts paid to	50006
them for their services.	50007
(30) Applying to purchases made by a state institution of	50008
higher education in accordance with the terms of a contract	50009
between the vendor and an inter-university purchasing group	50010
comprised of purchasing officers of state institutions of higher	50011
education;	50012
(31) Applying to the department of job and family services'	50013
purchases of health assistance services under the children's	50014
health insurance program part I provided for under section 5101.50	50015
of the Revised Code <del>or</del> , the children's health insurance program	50016
part II provided for under section 5101.51 of the Revised Code, <u>or</u>	50017
<u>the children's health insurance program part III provided for</u>	50018
<u>under section 5101.52 of the Revised Code;</u>	50019
(32) Applying to payments by the attorney general from the	50020
reparations fund to hospitals and other emergency medical	50021
facilities for performing medical examinations to collect physical	50022
evidence pursuant to section 2907.28 of the Revised Code;	50023
(33) Applying to contracts with a contracting authority or	50024
administrative receiver under division (B) of section 5126.056 of	50025
the Revised Code;	50026
(34) Applying to reimbursements paid to the United States	50027

department of veterans affairs for pharmaceutical and patient	50028
supply purchases made on behalf of the Ohio veterans' home agency;	50029
(35) Applying to agreements entered into with terminal	50030
distributors of dangerous drugs under section 173.79 of the	50031
Revised Code.	50032
(E) Notwithstanding division (B)(1) of this section, the	50033
cumulative purchase threshold shall be seventy-five thousand	50034
dollars for the departments of mental retardation and	50035
developmental disabilities, mental health, rehabilitation and	50036
correction, and youth services.	50037
(F) When determining whether a state agency has reached the	50038
cumulative purchase thresholds established in divisions (B)(1),	50039
(B)(2), and (E) of this section, all of the following purchases by	50040
such agency shall not be considered:	50041
(1) Purchases made through competitive selection or with	50042
controlling board approval;	50043
(2) Purchases listed in division (D) of this section;	50044
(3) For the purposes of the thresholds of divisions (B)(1)	50045
and (E) of this section only, leases of real estate.	50046
(G) As used in this section, "competitive selection,"	50047
"purchase," "supplies," and "services" have the same meanings as	50048
in section 125.01 of the Revised Code.	50049
<b>Section 110.08.</b> That the existing version of section 127.16	50050
of the Revised Code that is scheduled to take effect July 1, 2007,	50051
is hereby repealed.	50052
<b>Section 115.03.</b> That section 5101.213 of the Revised Code is	50053
hereby repealed, effective July 1, 2008.	50054
<b>Section 130.01.</b> As is more completely explained in Sections	50055

130.02 and 130.03 that follow, this act, pursuant to Section 50056  
611.03 of Am. Sub. H.B. 66 of the 126th General Assembly, confirms 50057  
and orders implementation of the amendments and the enactment 50058  
referred to in Section 611.03, the taking effect of which 50059  
amendments and enactment by Am. Sub. H.B. 66 was postponed in 50060  
whole or in part by Section 611.03 pending this confirmation and 50061  
order. 50062

**Section 130.02.** (A)(1) Section 9.833 of the Revised Code is 50063  
presented in division (B) of this section solely for the purpose 50064  
of confirming the section and ordering its implementation as it 50065  
results from Am. Sub. H.B. 46 and Am. Sub. H.B. 66 of the 126th 50066  
General Assembly. Sections 3111.19, 3313.12, and 4117.08 of the 50067  
Revised Code are presented in division (B) of this section solely 50068  
for the purpose of confirming the sections and ordering their 50069  
implementation as they result from Am. Sub. H.B. 66 of the 126th 50070  
General Assembly. No other action is being taken with regard to 50071  
these sections. 50072

(2) Section 9.90 of the Revised Code is presented in division 50073  
(B) of this section for the purposes of confirming the section and 50074  
ordering its implementation as it results from Am. Sub. H.B. 66 50075  
and Sub. H.B. 193 of the 126th General Assembly and of amending 50076  
the section to read as directed by this act. Section 9.901 of the 50077  
Revised Code is presented in division (B) of this section for the 50078  
purposes of confirming the section and ordering its complete 50079  
implementation as it results from Am. Sub. H.B. 66 of the 126th 50080  
General Assembly and as it was subsequently amended by Am. Sub. 50081  
H.B. 530 of the 126th General Assembly and of amending the section 50082  
to read as directed by this act. Sections 3313.202, 3313.33, and 50083  
4117.03 of the Revised Code are presented in division (B) of this 50084  
section for the purposes of confirming the sections and ordering 50085  
their implementation as they result from Am. Sub. H.B. 66 of the 50086  
126th General Assembly and of amending the sections to read as 50087

directed by this act. 50088

(B) Sections 9.833, 9.90, 9.901, 3311.19, 3313.12, 3313.202, 50089  
3313.33, 4117.03, and 4117.08 of the Revised Code are presented in 50090  
this division as explained in divisions (A)(1) and (2) of this 50091  
section: 50092

**Sec. 9.833.** (A) As used in this section, "political 50093  
subdivision" means a municipal corporation, township, county, or 50094  
other body corporate and politic responsible for governmental 50095  
activities in a geographic area smaller than that of the state, 50096  
and agencies and instrumentalities of these entities. For purposes 50097  
of this section, a school district is not a "political 50098  
subdivision." 50099

(B) Political subdivisions that provide health care benefits 50100  
for their officers or employees may do any of the following: 50101

(1) Establish and maintain an individual self-insurance 50102  
program with public moneys to provide authorized health care 50103  
benefits, including but not limited to, health care, prescription 50104  
drugs, dental care, and vision care, in accordance with division 50105  
(C) of this section; 50106

(2) Establish and maintain a health savings account program 50107  
whereby employees or officers may establish and maintain health 50108  
savings accounts in accordance with section 223 of the Internal 50109  
Revenue Code. Public moneys may be used to pay for or fund 50110  
federally qualified high deductible health plans that are linked 50111  
to health savings accounts or to make contributions to health 50112  
savings accounts. A health savings account program may be a part 50113  
of a self-insurance program. 50114

(3) After establishing an individual self-insurance program, 50115  
agree with other political subdivisions that have established 50116  
individual self-insurance programs for health care benefits, that 50117

their programs will be jointly administered in a manner specified 50118  
in the agreement; 50119

(4) Pursuant to a written agreement and in accordance with 50120  
division (C) of this section, join in any combination with other 50121  
political subdivisions to establish and maintain a joint 50122  
self-insurance program to provide health care benefits; 50123

(5) Pursuant to a written agreement, join in any combination 50124  
with other political subdivisions to procure or contract for 50125  
policies, contracts, or plans of insurance to provide health care 50126  
benefits, which may include a health savings account program, for 50127  
their officers and employees subject to the agreement; 50128

(6) Use in any combination any of the policies, contracts, 50129  
plans, or programs authorized under this division. 50130

(C) Except as otherwise provided in division (E) of this 50131  
section, the following apply to individual or joint self-insurance 50132  
programs established pursuant to this section: 50133

(1) Such funds shall be reserved as are necessary, in the 50134  
exercise of sound and prudent actuarial judgment, to cover 50135  
potential cost of health care benefits for the officers and 50136  
employees of the political subdivision. A report of amounts so 50137  
reserved and disbursements made from such funds, together with a 50138  
written report of a member of the American academy of actuaries 50139  
certifying whether the amounts reserved conform to the 50140  
requirements of this division, are computed in accordance with 50141  
accepted loss reserving standards, and are fairly stated in 50142  
accordance with sound loss reserving principles, shall be prepared 50143  
and maintained, within ninety days after the last day of the 50144  
fiscal year of the entity for which the report is provided for 50145  
that fiscal year, in the office of the program administrator 50146  
described in division (C)(3) of this section. 50147

The report required by division (C)(1) of this section shall 50148

include, but not be limited to, disbursements made for the 50149  
administration of the program, including claims paid, costs of the 50150  
legal representation of political subdivisions and employees, and 50151  
fees paid to consultants. 50152

The program administrator described in division (C)(3) of 50153  
this section shall make the report required by this division 50154  
available for inspection by any person at all reasonable times 50155  
during regular business hours, and, upon the request of such 50156  
person, shall make copies of the report available at cost within a 50157  
reasonable period of time. 50158

(2) Each political subdivision shall reserve funds necessary 50159  
for an individual or joint self-insurance program in a special 50160  
fund that may be established for political subdivisions other than 50161  
an agency or instrumentality pursuant to an ordinance or 50162  
resolution of the political subdivision and not subject to section 50163  
5705.12 of the Revised Code. An agency or instrumentality shall 50164  
reserve the funds necessary for an individual or joint 50165  
self-insurance program in a special fund established pursuant to a 50166  
resolution duly adopted by the agency's or instrumentality's 50167  
governing board. The political subdivision may allocate the costs 50168  
of insurance or any self-insurance program, or both, among the 50169  
funds or accounts established under this division on the basis of 50170  
relative exposure and loss experience. 50171

(3) A contract may be awarded, without the necessity of 50172  
competitive bidding, to any person, political subdivision, 50173  
nonprofit corporation organized under Chapter 1702. of the Revised 50174  
Code, or regional council of governments created under Chapter 50175  
167. of the Revised Code for purposes of administration of an 50176  
individual or joint self-insurance program. No such contract shall 50177  
be entered into without full, prior, public disclosure of all 50178  
terms and conditions. The disclosure shall include, at a minimum, 50179  
a statement listing all representations made in connection with 50180



any possible savings and losses resulting from the contract, and 50181  
potential liability of any political subdivision or employee. The 50182  
proposed contract and statement shall be disclosed and presented 50183  
at a meeting of the political subdivision not less than one week 50184  
prior to the meeting at which the political subdivision authorizes 50185  
the contract. 50186

A contract awarded to a nonprofit corporation or a regional 50187  
council of governments under this division may provide that all 50188  
employees of the nonprofit corporation or regional council of 50189  
governments and the employees of all entities related to the 50190  
nonprofit corporation or regional council of governments may be 50191  
covered by the individual or joint self-insurance program under 50192  
the terms and conditions set forth in the contract. 50193

(4) The individual or joint self-insurance program shall 50194  
include a contract with a member of the American academy of 50195  
actuaries for the preparation of the written evaluation of the 50196  
reserve funds required under division (C)(1) of this section. 50197

(5) A joint self-insurance program may allocate the costs of 50198  
funding the program among the funds or accounts established under 50199  
this division to the participating political subdivisions on the 50200  
basis of their relative exposure and loss experience. 50201

(6) An individual self-insurance program may allocate the 50202  
costs of funding the program among the funds or accounts 50203  
established under this division to the political subdivision that 50204  
established the program. 50205

(7) Two or more political subdivisions may also authorize the 50206  
establishment and maintenance of a joint health care cost 50207  
containment program, including, but not limited to, the employment 50208  
of risk managers, health care cost containment specialists, and 50209  
consultants, for the purpose of preventing and reducing health 50210  
care costs covered by insurance, individual self-insurance, or 50211

joint self-insurance programs. 50212

(8) A political subdivision is not liable under a joint 50213  
self-insurance program for any amount in excess of amounts payable 50214  
pursuant to the written agreement for the participation of the 50215  
political subdivision in the joint self-insurance program. Under a 50216  
joint self-insurance program agreement, a political subdivision 50217  
may, to the extent permitted under the written agreement, assume 50218  
the risks of any other political subdivision. A joint 50219  
self-insurance program established under this section is deemed a 50220  
separate legal entity for the public purpose of enabling the 50221  
members of the joint self-insurance program to obtain insurance or 50222  
to provide for a formalized, jointly administered self-insurance 50223  
fund for its members. An entity created pursuant to this section 50224  
is exempt from all state and local taxes. 50225

(9) Any political subdivision, other than an agency or 50226  
instrumentality, may issue general obligation bonds, or special 50227  
obligation bonds that are not payable from real or personal 50228  
property taxes, and may also issue notes in anticipation of such 50229  
bonds, pursuant to an ordinance or resolution of its legislative 50230  
authority or other governing body for the purpose of providing 50231  
funds to pay expenses associated with the settlement of claims, 50232  
whether by way of a reserve or otherwise, and to pay the political 50233  
subdivision's portion of the cost of establishing and maintaining 50234  
an individual or joint self-insurance program or to provide for 50235  
the reserve in the special fund authorized by division (C)(2) of 50236  
this section. 50237

In its ordinance or resolution authorizing bonds or notes 50238  
under this section, a political subdivision may elect to issue 50239  
such bonds or notes under the procedures set forth in Chapter 133. 50240  
of the Revised Code. In the event of such an election, 50241  
notwithstanding Chapter 133. of the Revised Code, the maturity of 50242  
the bonds may be for any period authorized in the ordinance or 50243

resolution not exceeding twenty years, which period shall be the 50244  
maximum maturity of the bonds for purposes of section 133.22 of 50245  
the Revised Code. 50246

Bonds and notes issued under this section shall not be 50247  
considered in calculating the net indebtedness of the political 50248  
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 50249  
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 50250  
hereby made applicable to bonds or notes authorized under this 50251  
section. 50252

(10) A joint self-insurance program is not an insurance 50253  
company. Its operation does not constitute doing an insurance 50254  
business and is not subject to the insurance laws of this state. 50255

(D) A political subdivision may procure group life insurance 50256  
for its employees in conjunction with an individual or joint 50257  
self-insurance program authorized by this section, provided that 50258  
the policy of group life insurance is not self-insured. 50259

(E) Divisions (C)(1), (2), and (4) of this section do not 50260  
apply to individual self-insurance programs in municipal 50261  
corporations, townships, or counties. 50262

(F) A public official or employee of a political subdivision 50263  
who is or becomes a member of the governing body of the program 50264  
administrator of a joint self-insurance program in which the 50265  
political subdivision participates is not in violation of division 50266  
(D) or (E) of section 102.03, division (C) of section 102.04, or 50267  
section 2921.42 of the Revised Code as a result of either of the 50268  
following: 50269

(1) The political subdivision's entering under this section 50270  
into the written agreement to participate in the joint 50271  
self-insurance program; 50272

(2) The political subdivision's entering under this section 50273  
into any other contract with the joint self-insurance program. 50274

**Sec. 9.90.** (A) The governing board of any public institution 50275  
of higher education, including without limitation state 50276  
universities and colleges, community college districts, university 50277  
branch districts, technical college districts, and municipal 50278  
universities, may, in addition to all other powers provided in the 50279  
Revised Code: 50280

(1) Contract for, purchase, or otherwise procure from an 50281  
insurer or insurers licensed to do business by the state of Ohio 50282  
for or on behalf of such of its employees as it may determine, 50283  
life insurance, or sickness, accident, annuity, endowment, health, 50284  
medical, hospital, dental, or surgical coverage and benefits, or 50285  
any combination thereof, by means of insurance plans or other 50286  
types of coverage, family, group or otherwise, and may pay from 50287  
funds under its control and available for such purpose all or any 50288  
portion of the cost, premium, or charge for such insurance, 50289  
coverage, or benefits. However, the governing board, in addition 50290  
to or as an alternative to the authority otherwise granted by 50291  
division (A)(1) of this section, may elect to procure coverage for 50292  
health care services, for or on behalf of such of its employees as 50293  
it may determine, by means of policies, contracts, certificates, 50294  
or agreements issued by at least two health insuring corporations 50295  
holding a certificate of authority under Chapter 1751. of the 50296  
Revised Code and may pay from funds under the governing board's 50297  
control and available for such purpose all or any portion of the 50298  
cost of such coverage. 50299

(2) Make payments to a custodial account for investment in 50300  
regulated investment company stock for the purpose of providing 50301  
retirement benefits as described in section 403(b)(7) of the 50302  
Internal Revenue Code of 1954, as amended. Such stock shall be 50303  
purchased only from persons authorized to sell such stock in this 50304  
state. 50305

Any income of an employee deferred under divisions (A)(1) and 50306  
(2) of this section in a deferred compensation program eligible 50307  
for favorable tax treatment under the Internal Revenue Code of 50308  
1954, as amended, shall continue to be included as regular 50309  
compensation for the purpose of computing the contributions to and 50310  
benefits from the retirement system of such employee. Any sum so 50311  
deferred shall not be included in the computation of any federal 50312  
and state income taxes withheld on behalf of any such employee. 50313

(B) All or any portion of the cost, premium, or charge 50314  
therefor may be paid in such other manner or combination of 50315  
matters as the governing board may determine, including direct 50316  
payment by the employee in cases under division (A)(1) of this 50317  
section, and, if authorized in writing by the employee in cases 50318  
under division (A)(1) or (2) of this section, by such governing 50319  
board with moneys made available by deduction from or reduction in 50320  
salary or wages or by the foregoing of a salary or wage increase. 50321  
Nothing in section 3917.01 or section 3917.06 of the Revised Code 50322  
shall prohibit the issuance or purchase of group life insurance 50323  
authorized by this section by reason of payment of premiums 50324  
therefor by the governing board from its funds, and such group 50325  
life insurance may be so issued and purchased if otherwise 50326  
consistent with the provisions of sections 3917.01 to 3917.07 of 50327  
the Revised Code. 50328

(C) The board of education of any school district may 50329  
exercise any of the powers granted to the governing boards of 50330  
public institutions of higher education under divisions (A) and 50331  
(B) of this section, except in relation to the provision of health 50332  
care benefits to employees. All health care benefits provided to 50333  
persons employed by the public schools of this state shall be 50334  
~~medical health care plans designed that contain best practices~~ 50335  
established by the school employees health care board pursuant to 50336  
section 9.901 of the Revised Code. 50337

**Sec. 9.901.** (A)(1) All health care benefits provided to 50338  
persons employed by the public ~~schools~~ school districts of this 50339  
state shall be provided by ~~medical~~ health care plans ~~designed that~~ 50340  
contain best practices established pursuant to this section by the 50341  
school employees health care board. ~~The board, in consultation~~ 50342  
~~with the superintendent of insurance, shall negotiate with and, in~~ 50343  
~~accordance with the competitive selection procedures of Chapter~~ 50344  
~~125. of the Revised Code, contract with one or more insurance~~ 50345  
~~companies authorized to do business in this state for the issuance~~ 50346  
~~of the plans. The plans described under this section shall be~~ 50347  
available to cover public school district employees not later than 50348  
the last day of the month that is the eighteenth full month after 50349  
the effective date of this amendment. The board shall release its 50350  
best practices standards prior to the eighteen-month deadline. Any 50351  
or all of the ~~medical~~ health care plans ~~designed that contain best~~ 50352  
practices specified by the board may be self-insured. All 50353  
~~self-insured plans adopted shall be administered by the board in~~ 50354  
~~accordance with this section.~~ As used in this section, a "public 50355  
school district" means ~~a school in~~ a city, local, exempted 50356  
village, or joint vocational school district, and includes the 50357  
educational service centers associated with those ~~schools~~ 50358  
districts. 50359

(2) ~~Prior to soliciting proposals from insurance companies~~ 50360  
~~for the issuance of medical plans, the board shall determine what~~ 50361  
~~geographic regions exist in the state based on the availability of~~ 50362  
~~providers, networks, costs, and other factors relating to~~ 50363  
~~providing health care benefits. The board shall then determine~~ 50364  
~~what medical plans are offered by school districts and existing~~ 50365  
~~consortiums in the state. The board shall determine what medical~~ 50366  
~~plan offered by a school district or existing consortium in the~~ 50367  
~~region offers the lowest premium cost plan.~~ 50368

(3) ~~The board shall develop a request for proposals and~~ 50369

~~solicit bids for medical plans for the school districts in a region similar to the existing plans. The board shall also determine the benefits offered by existing medical plans, the employees' costs, and the cost sharing arrangements used by public schools participating in a consortium. The board shall determine what strategies are used by the existing medical plans to manage health care costs and shall study the potential benefits of state or regional consortiums of public schools offering multiple health care plans.~~

~~(4) As used in this section, a:~~

~~(a) A "medical health care plan" includes group policies, contracts, and agreements that provide hospital, surgical, or medical expense coverage, including self-insured plans. A "medical health care plan" does not include an individual plan offered to the employees of a public school district, or a plan that provides coverage only for specific disease or accidents, or a hospital indemnity, medicare supplement, or other plan that provides only supplemental benefits, paid for by the employees of a public school district.~~

~~(b) A "health plan sponsor" means a public school district, a consortium of public school districts, or a council of governments.~~

(B) The school employees health care board is hereby created. The school employees health care board shall consist of the following ~~nine~~ twelve members and shall include individuals with experience with public school district benefit programs, health care industry providers, and ~~medical health care plan~~ beneficiaries:

(1) ~~Three~~ Four members appointed by the governor, one of whom shall be representative of nonadministrative public school district employees;

(2) ~~Three~~ Four members appointed by the president of the senate, one of whom shall be representative of nonadministrative public school district employees;

(3) ~~Three~~ Four members appointed by the speaker of the house of representatives, one of whom shall be representative of nonadministrative public school district employees.

A member of the school employees health care board shall not be employed by, represent, or in any way be affiliated with a private entity that is providing services to the board, an individual school district, employers, or employees in the state of Ohio.

(C)(1) Members of the school employees health care board shall serve four-year terms; ~~however, one of each of the initial members appointed under divisions (B)(1) to (3) of this section shall be appointed to a term of one year. The initial appointments under this section shall be made within forty five days after September 29, 2005, but may be reappointed, except as otherwise specified in division (B) of this section.~~

~~Members' terms shall end on the twenty ninth day of September, but a~~ A member shall continue to serve subsequent to the expiration of the member's term until a successor is appointed. Any vacancy occurring during a member's term shall be filled in the same manner as the original appointment, except that the person appointed to fill the vacancy shall be appointed to the remainder of the unexpired term.

(2) Members shall ~~serve without~~ receive compensation ~~but~~ fixed pursuant to division (J) of section 124.15 of the Revised Code and shall be reimbursed from the school employees health care fund for actual and necessary expenses incurred in the performance of their official duties as members of the board.

(3) Members may be removed by their appointing authority for



misfeasance, malfeasance, incompetence, dereliction of duty, or 50432  
other just cause. 50433

(D)(1) ~~The governor shall call the first meeting of the~~ 50434  
~~school employees health care board. At that meeting, and annually~~ 50435  
~~thereafter~~ At the first meeting of the board after the first day 50436  
of January of each calendar year, the board shall elect a 50437  
chairperson and may elect members to other positions on the board 50438  
as the board considers necessary or appropriate. The board shall 50439  
meet at least ~~four~~ nine times each calendar year and shall also 50440  
meet at the call of the chairperson or ~~three~~ four or more board 50441  
members. The chairperson shall provide reasonable advance notice 50442  
of the time and place of board meetings to all members. 50443

(2) A majority of the board constitutes a quorum for the 50444  
transaction of business at a board meeting. A majority vote of the 50445  
members present is necessary for official action. 50446

(E) The school employees health care board shall conduct its 50447  
business at open meetings; however, the records of the board are 50448  
not public records for purposes of section 149.43 of the Revised 50449  
Code. 50450

(F) The school employees health care fund is hereby created 50451  
in the state treasury. ~~The public schools shall pay all school~~ 50452  
~~employees health care board plan premiums in the manner prescribed~~ 50453  
~~by the school employees health care board to the board for deposit~~ 50454  
~~into the school employees health care fund. All~~ The board shall 50455  
use all funds in the school employees health care fund ~~shall be~~ 50456  
~~used solely for the provision of health care benefits to public~~ 50457  
~~schools employees pursuant to this section~~ to carry out the 50458  
provisions of this section and related administrative costs. 50459  
~~Premiums received by the board or insurance companies contracted~~ 50460  
~~pursuant to division (A) of this section are not subject to any~~ 50461  
~~state insurance premium tax.~~ 50462

(G) The school employees health care board shall do all of 50463  
the following: 50464

(1) ~~Design multiple medical~~ Adopt and release a set of 50465  
standards that shall be considered the best practices to which 50466  
public school districts shall adhere in the selection and 50467  
implementation of health care plans; 50468

(2) Develop best practices for the provision of health care 50469  
benefits and subsequently approve health care plans, ~~including~~ 50470  
~~regional plans,~~ to provide, in the board's judgment, the optimal 50471  
combination of coverage, cost, choice, and stability of health 50472  
cost benefits. ~~The board may establish more than one tier of~~ 50473  
~~premium rates for any medical plan. The board shall establish~~ 50474  
~~regions as necessary for the implementation of the board's medical~~ 50475  
~~plans. Plans and premium rates may vary across the regions~~ 50476  
~~established by the board.~~ 50477

~~(2) Set an aggregate goal~~ based on the best practices 50478  
developed by the board; 50479

(3) Require that the plans the health plan sponsors 50480  
administer make readily available to the public all cost and 50481  
design elements of the plan; 50482

(4) Determine the feasibility of procurement of selected 50483  
health care benefits through consolidated systems that offer 50484  
demonstrated economies of scale; 50485

(5) Work with health plan sponsors through educational 50486  
outlets and consultation; 50487

(6) Maintain a commitment to transparency and public access 50488  
of its meetings and activity pursuant to division (E) of this 50489  
section; 50490

(7) Promote cooperation among all organizations affected by 50491  
this section in identifying the elements for the successful 50492

<u>implementation of this section;</u>	50493
<u>(8) Develop recommendations</u> for employee and employer	50494
portions of premiums for the <del>board's medical</del> <u>health care</u> plans so	50495
as to manage plan participation and encourage the use of	50496
value-based plan participation by employees;	50497
<del>(3) Set</del> <u>(9) Develop recommendations for</u> employer and employee	50498
plan copayments, deductibles, exclusions, limitations,	50499
formularies, premium shares, and other responsibilities;	50500
<del>(4) Include</del> <u>(10) Ensure that</u> disease management and consumer	50501
education programs, to the extent that the board determines is	50502
appropriate, <u>are included</u> in all <del>medical</del> <u>health care</u> plans	50503
<del>designed by the board</del> , which programs shall include, but are not	50504
limited to, wellness programs and other measures designed to	50505
encourage the wise use of <del>medical</del> <u>health care</u> plan coverage. These	50506
programs are not services or treatments for purposes of section	50507
3901.71 of the Revised Code.	50508
<del>(5)</del> <u>(11)</u> Create and distribute to the governor, the speaker of	50509
the house of representatives, and the president of the senate, an	50510
annual report covering <del>the</del> plan background; plan coverage options;	50511
plan administration, including procedures for monitoring and	50512
managing objectives, scope, and methodology; plan operations;	50513
employee and employer contribution rates and the relationship	50514
between the rates and the school employees health care fund	50515
balance; a means to develop and maintain identity and evaluate	50516
alternative employee and employer cost-sharing strategies; an	50517
evaluation of the effectiveness of cost-saving services and	50518
programs; an evaluation of efforts to control and manage member	50519
eligibility and to insure that proper employee and employer	50520
contributions are remitted to the trust fund; efforts to prevent	50521
and detect fraud; and efforts to manage and monitor board	50522
contracts;	50523

~~(6)~~(12) Utilize cost containment measures aligned with 50524  
patient, plan, and provider management strategies in developing 50525  
and managing ~~medical~~ health care plans. 50526

(13) Prepare and disseminate to the public an annual report 50527  
on the status of health plan sponsors' effectiveness in making 50528  
progress to reduce the rate of increase in insurance premiums and 50529  
employee out of pocket expenses, as well as progress in improving 50530  
the health status of school district employees and their families. 50531

(H) The board also may develop and implement programs through 50532  
its own initiative for specific health benefits to be utilized by 50533  
health plan sponsors to supplement coverages offered by the school 50534  
districts, including, but not limited to, prescription drugs and 50535  
disease management. 50536

(I) The sections in Chapter 3923. of the Revised Code 50537  
regulating public employee benefit plans are not applicable to the 50538  
~~medical~~ health care plans designed pursuant to this section. 50539

~~(I)~~(J)(1) Public ~~schools~~ school districts are not subject to 50540  
this section prior to the release of ~~medical plans designed~~ 50541  
~~pursuant to~~ best practices covered by this section, but shall 50542  
adopt and implement board-approved best practices after the date 50543  
the board releases its best practices pursuant to this section and 50544  
by not later than the first day following the expiration of any 50545  
collective bargaining agreement applicable to employees of the 50546  
public school district that occurs after the release date. The 50547  
board shall designate the specific date by which a particular 50548  
public school district shall adopt and implement board-approved 50549  
best practices. 50550

(2) ~~Prior to the school employees health care board's release~~ 50551  
~~of the board's initial medical plans, the~~ The board shall may 50552  
contract with ~~an~~ one or more independent consultant consultants to 50553  
analyze costs related to employee health care benefits provided by 50554

existing public school district plans in this state. The 50555  
~~consultant shall~~ consultants may determine the benefits offered by 50556  
existing ~~medical~~ health care plans, the employees' costs, and the 50557  
cost-sharing arrangements used by public ~~schools~~ school districts 50558  
either participating in a consortium or by other means. The 50559  
~~consultant shall~~ consultants may determine what strategies are 50560  
used by the existing ~~medical~~ health care plans to manage health 50561  
care costs and ~~shall~~ may study the potential benefits of state or 50562  
regional consortiums of public schools offering multiple health 50563  
care plans. Based on the findings of the analysis, the ~~consultant~~ 50564  
~~shall~~ consultants may submit written recommendations to the board 50565  
for the development and implementation of a successful ~~program~~ 50566  
best practices and programs for ~~pooling~~ improving school 50567  
districts' combined purchasing ~~power~~ for the acquisition of 50568  
employee ~~medical~~ health care plans. The ~~consultant's~~ 50569  
~~recommendations shall address, at a minimum, all of the following~~ 50570  
~~issues:~~ 50571

~~(a) The establishment of regions for the provision of medical 50572  
plans, based on the availability of providers and plans in the 50573  
state at the time that the school employees health care board is 50574  
established;~~ 50575

~~(b) The use of regional preferred provider and closed panel 50576  
plans, health savings accounts, and alternative medical plans, to 50577  
stabilize both costs and the premiums charged school districts and 50578  
district employees;~~ 50579

~~(c) The development of a system to obtain eligibility data 50580  
and data compiled pursuant to the "Consolidated Omnibus Budget 50581  
Reconciliation Act of 1985 (COBRA)," 100 Stat. 227, 29 U.S.C. 50582  
1161, as amended;~~ 50583

~~(d) The use of the competitive bidding process for regional 50584  
medical plans;~~ 50585

<del>(e) The development of a timeline planning for the design and use of board medical plans by not later than December 31, 2007;</del>	50586
<del>(f) The use of information on claims and costs and of information reported by districts pursuant to COBRA in analyzing administrative and premium costs;</del>	50588
<del>(g) The experience of states that have mandated statewide medical plans for public school employees, including the implementation strategies used by those states;</del>	50589
<del>(h) Recommended strategies for the use of first year roll in premiums in the transition from district medical plans to school employees health care board plans;</del>	50590
<del>(i) The option of allowing school districts to join an existing regional consortium as an alternative to school employees health care board plans;</del>	50591
<del>(j) Mandatory and optional coverages to be offered by the board's medical plans;</del>	50592
<del>(k) Potential risks to the state from the use of medical plans developed pursuant to this section;</del>	50593
<del>(l) Any legislation needed to ensure the long term financial solvency and stability of a health care purchasing system;</del>	50594
<del>(m) The potential impacts of any changes to the existing purchasing structure on all of the following:</del>	50595
<del>(i) Existing health care pooling and consortiums;</del>	50596
<del>(ii) School district employees;</del>	50597
<del>(iii) Individual school districts.</del>	50598
<del>(n) Issues that could arise when school districts transition from the existing purchasing structure to a new purchasing structure;</del>	50599
<del>(o) Strategies available to the board in the creation of fund</del>	50600
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~~reserves and the need for stop loss insurance coverage for~~ 50615  
~~catastrophic losses;~~ 50616

~~(p) Any legislation needed to establish and maintain medical~~ 50617  
~~plans designed pursuant to this section. The consultant shall~~ 50618  
~~submit all legislative recommendations not later than December 31,~~ 50619  
~~2006, in writing, to the school employees health care board and to~~ 50620  
~~the governor, the speaker of the house of representatives, and the~~ 50621  
~~president of the senate.~~ 50622

(3) The public schools health care advisory committee is 50623  
hereby created under the school employees health care board. The 50624  
committee shall make recommendations to the school employees 50625  
health care board related to the board's accomplishment of the 50626  
duties assigned to the board under this section. The committee 50627  
shall consist of eighteen members. The governor, the speaker of 50628  
the house of representatives, and the president of the senate 50629  
shall each appoint a representative from the Ohio education 50630  
association, the Ohio school boards association, the Ohio 50631  
association of school business officials, the Ohio association of 50632  
health underwriters, an existing health care consortium serving 50633  
public schools, and a health insuring corporation licensed to do 50634  
business in Ohio and recommended by the Ohio association of health 50635  
plans. The initial appointees shall ~~be appointed to a one year~~ 50636  
~~term not later than July 31, 2007, the members' term to begin on~~ 50637  
~~that date. Subsequent~~ serve until December 31, 2007; subsequent 50638  
one-year appointments, to commence on the ~~thirty-first day of July~~ 50639  
first day of January of each year thereafter, and shall be made in 50640  
the same manner. A member shall continue to serve subsequent to 50641  
the expiration of the member's term until the member's successor 50642  
is appointed. Any vacancy occurring during a member's term shall 50643  
be filled in the same manner as the original appointment, except 50644  
that the person appointed to fill the vacancy shall be appointed 50645  
to the remainder of the unexpired term. The ~~governor shall call~~ 50646

~~the first meeting of each newly appointed committee. At that meeting the board shall elect a chairperson who shall call the time and place of future committee meetings. Committee members are not subject to the conditions for eligibility set by division (B) of this section for members of the school employees health care board.~~ 50647  
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~~(4) The school employees health care board shall submit a written study to the governor and the general assembly not later than January 31, 2007, of a plan to operate in compliance with this section, and on the governance of the school employees health care board. A copy of the board's plan of operation, including audit provisions, shall accompany the report on the board's governance and the report shall include the board's recommendations on any legislation needed to enforce the recommendations of the board on implementing the provisions of this section.~~ 50653  
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~~(5) Not later than January 15, 2009, and not later than the same day of each subsequent year, the school employees health care board shall submit a written report to the governor and each member of the general assembly, which report evaluates the performance of school employees health care board medical plans during the previous year. Districts offering employee health care benefits through a plan offered by a consortium of two or more districts, or a consortium of one or more districts and one or more political subdivisions as defined in section 9.833 of the Revised Code, representing five thousand or more employees as of January 1, 2005, may request permission from the school employees health care board to continue offering consortium plans to the districts' employees at the discretion of the board. If the board grants permission, the permission is valid for only one year but may be renewed annually thereafter upon application to an approval of the board. The board shall grant initial or continued approval~~ 50663  
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~~upon finding, based on an actuarial evaluation of the existing consortium plan offerings, that benefit design, premium costs, administrative cost, and other factors considered by the board are equivalent to or lower than comparable costs of the board's plan options offered to the local district. Age and gender adjustments, benefit comparison adjustments, and the total cost of the consortium plan, including administration, benefit cost, stop loss insurance, and all other expenses or information requested by the board shall be presented to the board prior to the board's decision to allow a local district to continue to offer health care benefits under a consortium plan. A district shall not participate in the consortium plan once the district has chosen to offer plans designed by the board to the district's employees and begins premium payments for deposit into the school employees health care fund.~~

~~(6) If based upon an audit of a health care sponsor, the board makes a determination that the sponsor no longer meets the best practice standards adopted by the board, the board may suspend or cancel the sponsor's right to administer plans under the jurisdiction of the board. The decision of the board to suspend or cancel a sponsor's right may be appealed by the sponsor pursuant to a hearing and appeal process the board shall adopt by rule.~~

~~(5) Upon a failure by a sponsor to adhere to the directives of the board, the board may request the attorney general to apply to a court having jurisdiction for any necessary orders to enforce compliance with the requirement of this section that a health care sponsor, unless otherwise allowed, shall adopt and adhere to best practices designed by the board or comply with any other requirements of this section, as the case may be. The board also may engage outside counsel if it deems necessary.~~

~~(6) Upon notice by the board to the department of education~~

that a district is not in compliance with the board's directives 50711  
and a court order as described in this section, the department 50712  
shall withhold any and all state financial aid and assistance to 50713  
the district until the department receives notice from the board 50714  
that the district is in full compliance with the board's 50715  
directives and subsequent court order. 50716

(7) Any districts providing ~~medical~~ health care plan coverage 50717  
for the employees of public schools, ~~or that have provided~~ 50718  
~~coverage within two years prior to September 29, 2005,~~ school 50719  
~~districts~~ shall provide nonidentifiable aggregate claims data for 50720  
the coverage to the school employees health care board ~~or the~~ 50721  
~~department of administrative services,~~ without charge, within 50722  
thirty days after receiving a written request from the board ~~or~~ 50723  
~~the department.~~ The claims data shall include data relating to 50724  
employee group benefit sets, demographics, and claims experience. 50725

~~(J)~~(K)(1) The school employees health care board may contract 50726  
with other state agencies for services as the board deems 50727  
necessary for the implementation and operation of this section, 50728  
based on demonstrated experience and expertise in administration, 50729  
management, data handling, actuarial studies, quality assurance, 50730  
or for other needed services. The school employees health care 50731  
board ~~shall~~ may contract with the department of administrative 50732  
services for central services until such time the board ~~is~~ deems 50733  
itself able to obtain such services from its own staff or from 50734  
other sources. The board shall reimburse the department of 50735  
administrative services for the reasonable cost of those services. 50736

~~(K)~~(2) The board shall hire staff as necessary to provide 50737  
administrative support to the board and the public school employee 50738  
health care plan program established by this section. 50739

(L) The board's administrative functions shall include, but 50740  
are not limited to, the following: 50741

~~(1) Maintaining reserves in the school employees health care fund, reinsurance, and other measures that in the judgment of the board will result in the long term stability and solvency of the medical plans designed by the board. The board shall bill school districts, in proportion to a district's premium payments to all premium payments paid into the school employees health care fund during the previous year, in order to maintain necessary reserves, reinsurance, and administrative and operating funds. Each school district contributing to a board medical plan shall share any losses due to the expense of claims paid by the plan. In the event of a loss, the board may bill each district an amount, in proportion to the district's premium payments to all premium payments paid into the school employees health care fund during the previous year, sufficient in total to cover the loss. The state is not liable for any obligations of the school employees health care board or the school employees health care fund, or for expenses of public schools or school districts related to the board's medical plans.~~

~~(2) Providing health care information, wellness programs, and other preventive health care measures to medical health care plan beneficiaries, to the extent that the board determines to be appropriate;~~

~~(3) Coordinating (2) Developing requests for proposals and establishing contracts for services related to the board's medical health care plans related to the benefits the board believes are in the best interests of employees of public school districts as permitted in division (H) of this section. Contracts shall be approved by the school employees health care board.~~

~~(L)(M) Not less than ninety days before coverage begins for public school district employees under medical health care plans designed by containing best practices prescribed by the school employees health care board, a public school district's board of~~

education shall provide detailed information about the ~~medical~~ 50774  
health care plans to the employees. 50775

~~(M)(N)~~ Nothing in this section shall be construed as 50776  
prohibiting public ~~schools or~~ school districts from consulting 50777  
with and compensating insurance agents and brokers for 50778  
professional services. The arrangement and contracts for these 50779  
services shall be a public record and disclosed along with other 50780  
data required by the board. 50781

~~(N)~~ The department of administrative services shall report to 50782  
the governor, the speaker of the house of representatives, and the 50783  
president of the senate not later than April 30, 2007, on the 50784  
feasibility of achieving all of the following: 50785

~~(1)~~ Designing multiple medical plans to cover persons 50786  
employed by public institutions of higher education that achieve 50787  
an optimal combination of coverage, cost, choice, and stability, 50788  
which plans include both state and regional preferred provider 50789  
plans, set employee and employer premiums, and set employee plan 50790  
copayments, deductibles, exclusions, limitations, formularies, and 50791  
other responsibilities. For this purpose, "public institutions of 50792  
higher education" include, without limitation, state universities 50793  
and colleges, state community college districts, community college 50794  
districts, university branch districts, technical college 50795  
districts, and municipal universities. 50796

~~(2)~~ Maintaining reserves, reinsurance, and other measures to 50797  
insure the long term stability and solvency of the medical plans; 50798

~~(3)~~ Providing appropriate health care information, wellness 50799  
programs, and other preventive health care measures to medical 50800  
plan beneficiaries; 50801

~~(4)~~ Coordinating contracts for services related to the 50802  
medical plans. 50803

(O)(1) Pursuant to Chapter 117. of the Revised Code, the 50804

auditor of state shall conduct all necessary and required audits 50805  
of the board. In addition, annually, the auditor shall evaluate 50806  
the performance of the school employee health care board best 50807  
practices during the previous year and submit the results in 50808  
writing to the governor and the general assembly. The auditor of 50809  
state, upon request, also shall furnish to the board copies of 50810  
audits of public school districts or consortia performed by the 50811  
auditor of state. The auditor also shall include in the audit of 50812  
the health care plans of the health plan sponsors for which the 50813  
auditor has jurisdiction for a determination of adherence to the 50814  
best practices established by the board. 50815

(2) Any health care provider or other vendor that contracts 50816  
with a public school district or consortium to furnish health care 50817  
benefits or services pursuant to a health care plan under this 50818  
section, as a condition of such contract, shall agree to submit to 50819  
audits the board may require to ensure compliance with the best 50820  
practices of the board for the provision of such benefits or 50821  
services. The board may contract with persons for independent 50822  
audits of such providers or vendors. The audits shall cover the 50823  
overall performance of the provider or vendor including, but not 50824  
limited to, claims processing procedures and results, eligibility 50825  
determination procedures and standards for health care plan 50826  
participants, and adherence to best practices established by the 50827  
board. 50828

**Sec. 3311.19.** (A) The management and control of a joint 50829  
vocational school district shall be vested in the joint vocational 50830  
school district board of education. Where a joint vocational 50831  
school district is composed only of two or more local school 50832  
districts located in one county, or when all the participating 50833  
districts are in one county and the boards of such participating 50834  
districts so choose, the educational service center governing 50835  
board of the county in which the joint vocational school district 50836

is located shall serve as the joint vocational school district 50837  
board of education. Where a joint vocational school district is 50838  
composed of local school districts of more than one county, or of 50839  
any combination of city, local, or exempted village school 50840  
districts or educational service centers, unless administration by 50841  
the educational service center governing board has been chosen by 50842  
all the participating districts in one county pursuant to this 50843  
section, the board of education of the joint vocational school 50844  
district shall be composed of one or more persons who are members 50845  
of the boards of education from each of the city or exempted 50846  
village school districts or members of the educational service 50847  
centers' governing boards affected to be appointed by the boards 50848  
of education or governing boards of such school districts and 50849  
educational service centers. In such joint vocational school 50850  
districts the number and terms of members of the joint vocational 50851  
school district board of education and the allocation of a given 50852  
number of members to each of the city and exempted village 50853  
districts and educational service centers shall be determined in 50854  
the plan for such district, provided that each such joint 50855  
vocational school district board of education shall be composed of 50856  
an odd number of members. 50857

(B) Notwithstanding division (A) of this section, a governing 50858  
board of an educational service center that has members of its 50859  
governing board serving on a joint vocational school district 50860  
board of education may make a request to the joint vocational 50861  
district board that the joint vocational school district plan be 50862  
revised to provide for one or more members of boards of education 50863  
of local school districts that are within the territory of the 50864  
educational service district and within the joint vocational 50865  
school district to serve in the place of or in addition to its 50866  
educational service center governing board members. If agreement 50867  
is obtained among a majority of the boards of education and 50868  
governing boards that have a member serving on the joint 50869

vocational school district board of education and among a majority 50870  
of the local school district boards of education included in the 50871  
district and located within the territory of the educational 50872  
service center whose board requests the substitution or addition, 50873  
the state board of education may revise the joint vocational 50874  
school district plan to conform with such agreement. 50875

(C) If the board of education of any school district or 50876  
educational service center governing board included within a joint 50877  
vocational district that has had its board or governing board 50878  
membership revised under division (B) of this section requests the 50879  
joint vocational school district board to submit to the state 50880  
board of education a revised plan under which one or more joint 50881  
vocational board members chosen in accordance with a plan revised 50882  
under such division would again be chosen in the manner prescribed 50883  
by division (A) of this section, the joint vocational board shall 50884  
submit the revised plan to the state board of education, provided 50885  
the plan is agreed to by a majority of the boards of education 50886  
represented on the joint vocational board, a majority of the local 50887  
school district boards included within the joint vocational 50888  
district, and each educational service center governing board 50889  
affected by such plan. The state board of education may revise the 50890  
joint vocational school district plan to conform with the revised 50891  
plan. 50892

(D) The vocational schools in such joint vocational school 50893  
district shall be available to all youth of school age within the 50894  
joint vocational school district subject to the rules adopted by 50895  
the joint vocational school district board of education in regard 50896  
to the standards requisite to admission. A joint vocational school 50897  
district board of education shall have the same powers, duties, 50898  
and authority for the management and operation of such joint 50899  
vocational school district as is granted by law, except by this 50900  
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised 50901

Code, to a board of education of a city school district, and shall 50902  
be subject to all the provisions of law that apply to a city 50903  
school district, except such provisions in this chapter and 50904  
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 50905

(E) Where a governing board of an educational service center 50906  
has been designated to serve as the joint vocational school 50907  
district board of education, the educational service center 50908  
superintendent shall be the executive officer for the joint 50909  
vocational school district, and the governing board may provide 50910  
for additional compensation to be paid to the educational service 50911  
center superintendent by the joint vocational school district, but 50912  
the educational service center superintendent shall have no 50913  
continuing tenure other than that of educational service center 50914  
superintendent. The superintendent of schools of a joint 50915  
vocational school district shall exercise the duties and authority 50916  
vested by law in a superintendent of schools pertaining to the 50917  
operation of a school district and the employment and supervision 50918  
of its personnel. The joint vocational school district board of 50919  
education shall appoint a treasurer of the joint vocational school 50920  
district who shall be the fiscal officer for such district and who 50921  
shall have all the powers, duties, and authority vested by law in 50922  
a treasurer of a board of education. Where a governing board of an 50923  
educational service center has been designated to serve as the 50924  
joint vocational school district board of education, such board 50925  
may appoint the educational service center superintendent as the 50926  
treasurer of the joint vocational school district. 50927

(F) Each member of a joint vocational school district board 50928  
of education may be paid such compensation as the board provides 50929  
by resolution, but it shall not exceed one hundred twenty-five 50930  
dollars per member for each meeting attended plus mileage, at the 50931  
rate per mile provided by resolution of the board, to and from 50932  
meetings of the board. 50933



The board may provide by resolution for the deduction of 50934  
amounts payable for benefits under section 3313.202 of the Revised 50935  
Code. 50936

Each member of a joint vocational school district board may 50937  
be paid such compensation as the board provides by resolution for 50938  
attendance at an approved training program, provided that such 50939  
compensation shall not exceed sixty dollars per day for attendance 50940  
at a training program three hours or fewer in length and one 50941  
hundred twenty-five dollars a day for attendance at a training 50942  
program longer than three hours in length. However, no board 50943  
member shall be compensated for the same training program under 50944  
this section and section 3313.12 of the Revised Code. 50945

**Sec. 3313.12.** Each member of the educational service center 50946  
governing board may be paid such compensation as the governing 50947  
board provides by resolution, provided that any such compensation 50948  
shall not exceed one hundred twenty-five dollars a day plus 50949  
mileage both ways, at the rate per mile provided by resolution of 50950  
the governing board, for attendance at any meeting of the board. 50951  
Such compensation and the expenses of the educational service 50952  
center superintendent, itemized and verified, shall be paid from 50953  
the educational service center governing board fund upon vouchers 50954  
signed by the president of the governing board. 50955

The board of education of any city, local, or exempted 50956  
village school district may provide by resolution for compensation 50957  
of its members, provided that such compensation shall not exceed 50958  
one hundred twenty-five dollars per member for meetings attended. 50959  
The board may provide by resolution for the deduction of amounts 50960  
payable for benefits under section 3313.202 of the Revised Code. 50961

Each member of a district board or educational service center 50962  
governing board may be paid such compensation as the respective 50963  
board provides by resolution for attendance at an approved 50964

training program, provided that such compensation shall not exceed 50965  
sixty dollars a day for attendance at a training program three 50966  
hours or fewer in length and one hundred twenty-five dollars a day 50967  
for attendance at a training program longer than three hours in 50968  
length. 50969

**Sec. 3313.202.** Any elected or appointed member of the board 50970  
of education of a school district and the dependent children and 50971  
spouse of the member may be covered, at the option of the member, 50972  
under any ~~medical~~ health care plan ~~designed~~ containing best 50973  
practices prescribed by the school employees health care board 50974  
under section 9.901 of the Revised Code. The member shall pay all 50975  
premiums for that coverage. Payments for such coverage shall be 50976  
made, in advance, in a manner prescribed by the school employees 50977  
health care board. The member's exercise of an option to be 50978  
covered under this section shall be in writing, announced at a 50979  
regular public meeting of the board of education, and recorded as 50980  
a public record in the minutes of the board. 50981

**Sec. 3313.33.** (A) Conveyances made by a board of education 50982  
shall be executed by the president and treasurer thereof. 50983

(B) Except as provided in division (C) of this section, no 50984  
member of the board shall have, directly or indirectly, any 50985  
pecuniary interest in any contract of the board or be employed in 50986  
any manner for compensation by the board of which the person is a 50987  
member. No contract shall be binding upon any board unless it is 50988  
made or authorized at a regular or special meeting of such board. 50989

(C) A member of the board may have a pecuniary interest in a 50990  
contract of the board if all of the following apply: 50991

(1) The member's pecuniary interest in that contract is that 50992  
the member is employed by a political subdivision, 50993  
instrumentality, or agency of the state that is contracting with 50994

the board; 50995

(2) The member does not participate in any discussion or 50996  
debate regarding the contract or vote on the contract; 50997

(3) The member files with the school district treasurer an 50998  
affidavit stating the member's exact employment status with the 50999  
political subdivision, instrumentality, or agency contracting with 51000  
the board. 51001

(D) This section does not apply where a member of the board, 51002  
being a shareholder of a corporation but not being an officer or 51003  
director thereof, owns not in excess of five per cent of the stock 51004  
of such corporation. If a stockholder desires to avail self of the 51005  
exception, before entering upon such contract such person shall 51006  
first file with the treasurer an affidavit stating the 51007  
stockholder's exact status and connection with said corporation. 51008

This section does not apply where a member of the board 51009  
elects to be covered by a ~~medical~~ health care plan under section 51010  
3313.202 of the Revised Code. 51011

**Sec. 4117.03.** (A) Public employees have the right to: 51012

(1) Form, join, assist, or participate in, or refrain from 51013  
forming, joining, assisting, or participating in, except as 51014  
otherwise provided in Chapter 4117. of the Revised Code, any 51015  
employee organization of their own choosing; 51016

(2) Engage in other concerted activities for the purpose of 51017  
collective bargaining or other mutual aid and protection; 51018

(3) Representation by an employee organization; 51019

(4) Bargain collectively with their public employers to 51020  
determine wages, hours, terms and other conditions of employment 51021  
and the continuation, modification, or deletion of an existing 51022  
provision of a collective bargaining agreement, and enter into 51023  
collective bargaining agreements; 51024

(5) Present grievances and have them adjusted, without the 51025  
intervention of the bargaining representative, as long as the 51026  
adjustment is not inconsistent with the terms of the collective 51027  
bargaining agreement then in effect and as long as the bargaining 51028  
representatives have the opportunity to be present at the 51029  
adjustment. 51030

(B) Persons on active duty or acting in any capacity as 51031  
members of the organized militia do not have collective bargaining 51032  
rights. 51033

(C) Except as provided in division (D) of this section, 51034  
nothing in Chapter 4117. of the Revised Code prohibits public 51035  
employers from electing to engage in collective bargaining, to 51036  
meet and confer, to hold discussions, or to engage in any other 51037  
form of collective negotiations with public employees who are not 51038  
subject to Chapter 4117. of the Revised Code pursuant to division 51039  
(C) of section 4117.01 of the Revised Code. 51040

(D) A public employer shall not engage in collective 51041  
bargaining or other forms of collective negotiations with the 51042  
employees of county boards of elections referred to in division 51043  
(C)(12) of section 4117.01 of the Revised Code. 51044

(E)~~(1)~~ Employees of public ~~school~~ schools may bargain 51045  
collectively for health care benefits; however, all health care 51046  
benefits shall ~~be provided through~~ include best practices 51047  
prescribed by the school employees health care board ~~medical~~ 51048  
~~plans~~, in accordance with section 9.901 of the Revised Code. ~~If a~~ 51049  
~~school district provides its employees with health care benefits~~ 51050  
~~pursuant to collective bargaining, the employees shall be~~ 51051  
~~permitted to choose a plan option from among the school employees~~ 51052  
~~health care board plans agreed to during collective bargaining.~~ 51053

~~(2) During collective bargaining, employees of public schools~~ 51054  
~~may agree to pay a higher percentage of the premium for health~~ 51055

~~benefit coverage under the plans designed by the school employees 51056  
health care board pursuant to section 9.901 of the Revised Code 51057  
than the percentage designated as the employees' contribution 51058  
level by the board. A collective bargaining agreement, however, 51059  
shall not permit the employees to contribute a lesser percentage 51060  
of the premium than that set as the employees' contribution level 51061  
by the school employees health care board, unless, in so doing, 51062  
the participating school board is able to remain in compliance 51063  
with the aggregate goal set pursuant to division (G)(3) of section 51064  
9.901 of the Revised Code. 51065~~

**Sec. 4117.08.** (A) All matters pertaining to wages, hours, or 51066  
terms and other conditions of employment and the continuation, 51067  
modification, or deletion of an existing provision of a collective 51068  
bargaining agreement are subject to collective bargaining between 51069  
the public employer and the exclusive representative, except as 51070  
otherwise specified in this section and division (E) of section 51071  
4117.03 of the Revised Code. 51072

(B) The conduct and grading of civil service examinations, 51073  
the rating of candidates, the establishment of eligible lists from 51074  
the examinations, and the original appointments from the eligible 51075  
lists are not appropriate subjects for collective bargaining. 51076

(C) Unless a public employer agrees otherwise in a collective 51077  
bargaining agreement, nothing in Chapter 4117. of the Revised Code 51078  
impairs the right and responsibility of each public employer to: 51079

(1) Determine matters of inherent managerial policy which 51080  
include, but are not limited to areas of discretion or policy such 51081  
as the functions and programs of the public employer, standards of 51082  
services, its overall budget, utilization of technology, and 51083  
organizational structure; 51084

(2) Direct, supervise, evaluate, or hire employees; 51085

(3) Maintain and improve the efficiency and effectiveness of governmental operations;	51086 51087
(4) Determine the overall methods, process, means, or personnel by which governmental operations are to be conducted;	51088 51089
(5) Suspend, discipline, demote, or discharge for just cause, or lay off, transfer, assign, schedule, promote, or retain employees;	51090 51091 51092
(6) Determine the adequacy of the work force;	51093
(7) Determine the overall mission of the employer as a unit of government;	51094 51095
(8) Effectively manage the work force;	51096
(9) Take actions to carry out the mission of the public employer as a governmental unit.	51097 51098
The employer is not required to bargain on subjects reserved to the management and direction of the governmental unit except as affect wages, hours, terms and conditions of employment, and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. A public employee or exclusive representative may raise a legitimate complaint or file a grievance based on the collective bargaining agreement.	51099 51100 51101 51102 51103 51104 51105
<b>Section 130.03.</b> Section 611.03 of Am. Sub. H.B. 66 of the 126th General Assembly is hereby repealed.	51106 51107
<b>Section 130.04.</b> Existing sections 9.90, 9.901, 3313.202, 3313.33, and 4117.03 of the Revised Code are hereby repealed.	51108 51109
<b>Section 130.05.</b> The Governor, the President of the Senate, and the Speaker of the House of Representatives each shall appoint one additional member to the School Employees Health Care Board created pursuant to section 9.901 of the Revised Code. The terms	51110 51111 51112 51113

of these additional members as well as the terms of the current 51114  
members shall end on December 31, 2010. Thereafter, terms of 51115  
office shall be as specified in section 9.901 of the Revised Code 51116  
as it results from its amendment by this act. The three additional 51117  
members each shall be representative of nonadministrative public 51118  
school employees. 51119

**Section 201.01.** Except as otherwise provided in this act, all 51120  
appropriation items in this act are appropriated out of any moneys 51121  
in the state treasury to the credit of the designated fund that 51122  
are not otherwise appropriated. For all appropriations made in 51123  
this act, the amounts in the first column are for fiscal year 2008 51124  
and the amounts in the second column are for fiscal year 2009. 51125  
51126

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 51127

General Services Fund Group 51128

4J8 889-601 CPA Education	\$	325,000	\$	325,000	51129
Assistance					
4K9 889-609 Operating Expenses	\$	1,092,246	\$	1,117,000	51130
TOTAL GSF General Services Fund					51131
Group	\$	1,417,246	\$	1,442,000	51132
TOTAL ALL BUDGET FUND GROUPS	\$	1,417,246	\$	1,442,000	51133

**Section 205.10.** ADJ ADJUTANT GENERAL 51135

General Revenue Fund 51136

GRF 745-401 Ohio Military Reserve	\$	15,188	\$	15,188	51137
GRF 745-404 Air National Guard	\$	2,246,005	\$	2,284,198	51138
GRF 745-407 National Guard	\$	1,400,000	\$	1,400,000	51139
Benefits					
GRF 745-409 Central Administration	\$	4,295,778	\$	4,460,069	51140
GRF 745-499 Army National Guard	\$	5,064,836	\$	5,169,368	51141

GRF 745-502	Ohio National Guard	\$	102,973	\$	102,973	51142
	Unit Fund					
TOTAL GRF	General Revenue Fund	\$	13,124,780	\$	13,431,796	51143
	General Services Fund Group					51144
534 745-612	Property	\$	534,304	\$	534,304	51145
	Operations/Management					
536 745-620	Camp Perry/Buckeye Inn	\$	1,202,970	\$	1,202,970	51146
	Operations					
537 745-604	Ohio National Guard	\$	269,826	\$	269,826	51147
	Facility Maintenance					
TOTAL GSF	General Services Fund	\$	2,007,100	\$	2,007,100	51148
	Group					
	Federal Special Revenue Fund Group					51149
3E8 745-628	Air National Guard	\$	14,100,000	\$	14,906,820	51150
	Agreement					
3R8 745-603	Counter Drug	\$	25,000	\$	25,000	51151
	Operations					
341 745-615	Air National Guard	\$	2,497,480	\$	2,729,939	51152
	Base Security					
342 745-616	Army National Guard	\$	10,146,178	\$	10,590,050	51153
	Agreement					
TOTAL FED	Federal Special Revenue	\$	26,768,658	\$	28,251,809	51154
	Fund Group					
	State Special Revenue Fund Group					51155
5U8 745-613	Community Match	\$	220,000	\$	220,000	51156
	Armories					
528 745-605	Marksmanship	\$	128,600	\$	128,600	51157
	Activities					
TOTAL SSR	State Special Revenue	\$	348,600	\$	348,600	51158
	Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$	42,249,138	\$	44,039,305	51159
	NATIONAL GUARD BENEFITS					51160



The foregoing appropriation item 745-407, National Guard 51161  
 Benefits, shall be used for purposes of sections 5919.31 and 51162  
 5919.33 of the Revised Code, and for administrative costs of the 51163  
 associated programs. 51164

For active duty members of the Ohio National Guard who died 51165  
 after October 7, 2001, while performing active duty, the death 51166  
 benefit, pursuant to section 5919.33 of the Revised Code, shall be 51167  
 paid to the beneficiary or beneficiaries designated on the 51168  
 member's Servicemembers' Group Life Insurance Policy. 51169

STATE ACTIVE DUTY COSTS 51170

Of the foregoing appropriation item 745-409, Central 51171  
 Administration, \$50,000 in each fiscal year shall be used for the 51172  
 purpose of paying expenses related to state active duty of members 51173  
 of the Ohio organized militia, in accordance with a proclamation 51174  
 of the Governor. Expenses include, but are not limited to, the 51175  
 cost of equipment, supplies, and services, as determined by the 51176  
 Adjutant General's Department. 51177

**Section 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 51178

General Revenue Fund 51179

GRF 100-403 Public School Employee \$ 1,425,000 \$ 1,425,000 51180

Benefits

GRF 100-404 CRP Procurement \$ 255,000 \$ 255,000 51181

Program

GRF 100-405 Agency Audit Expenses \$ 300,000 \$ 300,000 51182

GRF 100-406 County & University \$ 875,000 \$ 875,000 51183

Human Resources

Services

GRF 100-410 Veterans' Records \$ 46,170 \$ 46,171 51184

Conversion

GRF 100-415 OAKS Rental Payments \$ 14,162,000 \$ 14,165,000 51185

GRF 100-418	Web Sites and Business Gateway	\$	3,270,473	\$	3,270,083	51186
GRF 100-419	IT Security Infrastructure	\$	1,500,000	\$	1,500,000	51187
GRF 100-421	OAKS Project Implementation	\$	375,000	\$	375,000	51188
GRF 100-433	State of Ohio Computer Center	\$	4,800,000	\$	4,825,000	51189
GRF 100-439	Equal Opportunity Certification Programs	\$	705,000	\$	705,000	51190
GRF 100-447	OBA - Building Rent Payments	\$	107,803,008	\$	103,282,108	51191
GRF 100-448	OBA - Building Operating Payments	\$	26,457,000	\$	27,303,000	51192
GRF 100-449	DAS - Building Operating Payments	\$	3,769,510	\$	3,834,871	51193
GRF 100-451	Minority Affairs	\$	52,927	\$	52,927	51194
GRF 100-734	Major Maintenance - State Bldgs	\$	42,000	\$	42,000	51195
GRF 102-321	Construction Compliance	\$	1,000,000	\$	1,000,000	51196
GRF 130-321	State Agency Support Services	\$	6,000,000	\$	6,250,000	51197
TOTAL GRF	General Revenue Fund	\$	172,838,088	\$	169,506,160	51198
	General Services Fund Group					51199
112 100-616	DAS Administration	\$	5,299,427	\$	5,299,427	51200
115 100-632	Central Service Agency	\$	860,878	\$	928,403	51201
117 100-644	General Services Division - Operating	\$	8,295,772	\$	8,540,772	51202
122 100-637	Fleet Management	\$	2,182,968	\$	2,032,968	51203
125 100-622	Human Resources Division - Operating	\$	19,890,614	\$	20,560,614	51204
128 100-620	Collective Bargaining	\$	3,464,533	\$	3,662,534	51205

130	100-606	Risk Management Reserve	\$	2,568,548	\$	2,568,548	51206
131	100-639	State Architect's Office	\$	7,348,483	\$	7,544,164	51207
132	100-631	DAS Building Management	\$	9,716,228	\$	10,166,228	51208
133	100-607	IT Services Delivery	\$	72,539,887	\$	75,847,949	51209
188	100-649	Equal Opportunity Division - Operating	\$	847,409	\$	884,650	51210
201	100-653	General Services Resale Merchandise	\$	1,553,000	\$	1,553,000	51211
210	100-612	State Printing	\$	5,681,421	\$	5,436,421	51212
229	100-630	IT Governance	\$	17,108,546	\$	17,108,546	51213
4N6	100-617	Major IT Purchases	\$	7,495,719	\$	7,495,719	51214
4P3	100-603	DAS Information Services	\$	4,793,190	\$	4,958,218	51215
427	100-602	Investment Recovery	\$	5,683,564	\$	5,683,564	51216
5C2	100-605	MARCS Administration	\$	11,069,291	\$	11,069,291	51217
5C3	100-608	Skilled Trades	\$	934,982	\$	934,982	51218
5D7	100-621	Workforce Development	\$	70,000	\$	0	51219
5EB	100-635	OAKS Support Organization	\$	19,132,671	\$	19,132,671	51220
5L7	100-610	Professional Development	\$	3,900,000	\$	3,900,000	51221
5V6	100-619	Employee Educational Development	\$	936,129	\$	936,129	51222
5X3	100-634	Centralized Gateway Enhancement	\$	974,023	\$	974,023	51223
TOTAL	GSF	General Services Fund					51224
Group			\$	212,347,283	\$	217,218,821	51225
TOTAL	ALL BUDGET FUND GROUPS		\$	385,185,371	\$	386,724,981	51226
		<b>Section 207.10.10. PUBLIC SCHOOL EMPLOYEE BENEFITS</b>					51228

The foregoing appropriation item 100-403, Public School Employee Benefits, shall be used by the School Employees Health Care Board to hire staff to provide administrative support to the Board and other lawful uses of said fund as prescribed under section 9.901 of the Revised Code. This section succeeds Section 203.12.02 of Am. Sub. H.B. 66 of the 126th General Assembly.

**Section 207.10.20. AGENCY AUDIT EXPENSES** 51235

The foregoing appropriation item 100-405, Agency Audit Expenses, shall be used for auditing expenses designated in division (A)(1) of section 117.13 of the Revised Code for those state agencies audited on a biennial basis.

**Section 207.10.30. OAKS RENTAL PAYMENTS** 51240

The foregoing appropriation item 100-415, OAKS Rental Payments, shall be used for payments for the period from July 1, 2007, through June 30, 2009, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 403.10 of Am. Sub. H.B. 530 of the 126th General Assembly with respect to financing the costs associated with the acquisition, development, installation, and implementation of the Ohio Administrative Knowledge System. If it is determined that additional appropriations are necessary for this purpose, the amounts are hereby appropriated.

**Section 207.10.40. BUILDING RENT PAYMENTS** 51251

The foregoing appropriation item 100-447, OBA - Building Rent 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 Department of Administrative Services to the Ohio Building Authority pursuant to leases and agreements under Chapter 152. of the Revised Code. These appropriations are the source of

funds pledged for bond service charges on obligations issued 51258  
pursuant to Chapter 152. of the Revised Code. 51259

The foregoing appropriation item 100-448, OBA - Building 51260  
Operating Payments, shall be used to meet all payments at the 51261  
times that they are required to be made during the period from 51262  
July 1, 2007, to June 30, 2009, by the Department of 51263  
Administrative Services to the Ohio Building Authority pursuant to 51264  
leases and agreements under Chapter 152. of the Revised Code, but 51265  
limited to the aggregate amount of \$53,760,000. 51266

The payments to the Ohio Building Authority are for the 51267  
purpose of paying the expenses of agencies that occupy space in 51268  
the various state facilities. The Department of Administrative 51269  
Services may enter into leases and agreements with the Ohio 51270  
Building Authority providing for the payment of these expenses. 51271  
The Ohio Building Authority shall report to the Department of 51272  
Administrative Services and the Office of Budget and Management 51273  
not later than five months after the start of a fiscal year the 51274  
actual expenses incurred by the Ohio Building Authority in 51275  
operating the facilities and any balances remaining from payments 51276  
and rentals received in the prior fiscal year. The Department of 51277  
Administrative Services shall reduce subsequent payments by the 51278  
amount of the balance reported to it by the Ohio Building 51279  
Authority. 51280

**Section 207.10.50. DAS - BUILDING OPERATING PAYMENTS** 51281

The foregoing appropriation item 100-449, DAS - Building 51282  
Operating Payments, shall be used to pay the rent expenses of 51283  
veterans organizations pursuant to section 123.024 of the Revised 51284  
Code in fiscal years 2008 and 2009. 51285

The foregoing appropriation item, 100-449, DAS - Building 51286  
Operating Payments, may be used to provide funding for the cost of 51287  
property appraisals or building studies that the Department of 51288

Administrative Services may be required to obtain for property 51289  
that is being sold by the state or property under consideration to 51290  
be renovated or purchased by the state. 51291

Notwithstanding section 125.28 of the Revised Code, the 51292  
remaining portion of the appropriation may be used to pay the 51293  
operating expenses of state facilities maintained by the 51294  
Department of Administrative Services that are not billed to 51295  
building tenants. These expenses may include, but are not limited 51296  
to, the costs for vacant space and space undergoing renovation, 51297  
and the rent expenses of tenants that are relocated due to 51298  
building renovations. These payments shall be processed by the 51299  
Department of Administrative Services through intrastate transfer 51300  
vouchers and placed in the Building Management Fund (Fund 132). 51301

**Section 207.10.60. CENTRAL SERVICE AGENCY FUND** 51302

The Department of Administrative Services shall not allocate 51303  
annual costs for maintaining an automated application for the 51304  
professional licensing boards and for the costs of supporting 51305  
licensing functions in excess of the amounts allocated for these 51306  
purposes for fiscal year 2007. The charges shall be billed to the 51307  
professional licensing boards and deposited via intrastate 51308  
transfer vouchers to the credit of the Central Service Agency Fund 51309  
(Fund 115). 51310

**Section 207.10.70. ELIMINATION OF THE VEHICLE LIABILITY FUND** 51311  
**ASSETS** 51312

(A) Effective July 1, 2007, the Vehicle Liability Fund (Fund 51313  
127) is abolished and its functions, assets, and liabilities are 51314  
transferred to the Risk Management Reserve Fund (Fund 130). The 51315  
Risk Management Reserve Fund is thereupon and thereafter successor 51316  
to, assumes the obligations of, and otherwise constitutes the 51317  
continuation of the Vehicle Liability Fund. 51318

Any business commenced but not completed with regard to the Vehicle Liability Fund on July 1, 2007, shall be completed with regard to the Risk Management Reserve Fund, in the same manner, and with the same effect, as if completed with regard to the Vehicle Liability Fund. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer and shall be administered with regard to the Risk Management Reserve Fund. All of the rules, orders, and determinations associated with the Vehicle Liability Fund continue in effect as rules, orders, and determinations associated with the Risk Management Reserve Fund, until modified or rescinded by the Director of Administrative Services. If necessary to ensure the integrity of the Administrative Code, the Director of the Legislative Service Commission shall renumber the rules relating to the Vehicle Liability Fund to reflect its transfer to the Risk Management Reserve Fund.

(B) Employees paid from the Vehicle Liability Fund shall be transferred to the Risk Management Reserve Fund or dismissed. Employees paid from the Vehicle Liability Fund so dismissed cease to hold their positions of employment on July 1, 2007.

(C) No judicial or administrative action or proceeding by which the Vehicle Liability Fund is affected that is pending on July 1, 2007, is affected by the transfer of functions under division (A) of this section. The action or proceeding shall be prosecuted or defended on behalf of the Risk Management Reserve Fund and the Risk Management Reserve Fund upon application to the court or agency shall be substituted for the Vehicle Liability Fund as affected by the action or proceeding.

(D) On and after July 1, 2007, when the Vehicle Liability Fund is referred to in any statute, rule, contract, grant, or other document, the reference is hereby deemed to refer to the Risk Management Reserve Fund.

**Section 207.10.80.** TRANSFER OF VEHICLE LIABILITY FUND ASSETS 51351

On and after July 1, 2007, notwithstanding any provision to 51352  
the contrary, the Director of Budget and Management is authorized 51353  
to take the actions and effectuate the budget changes made 51354  
necessary by administrative reorganization, program transfers, the 51355  
creation of new funds, and the consolidation of funds required for 51356  
the transfer of the Vehicle Liability Fund Assets to the Risk 51357  
Management Reserve Fund. The Director of Budget and Management may 51358  
make any transfer of cash balances between funds. At the request 51359  
of the Director of Budget and Management, the Director of 51360  
Administrative Services shall certify to the Director of Budget 51361  
and Management an estimate of the amount of the Vehicle Liability 51362  
Fund cash balance to be transferred to the Risk Management Reserve 51363  
Fund. The Director of Budget and Management may transfer the 51364  
estimated amount when needed to make payments. Not more than 51365  
thirty days after certifying the estimated amount, the Director of 51366  
Administrative Services shall certify the final amount to the 51367  
Director of Budget and Management. The Director of Budget and 51368  
Management shall transfer the difference between any amount 51369  
previously transferred and the certified final amount. The 51370  
Director of Budget and Management may cancel encumbrances and 51371  
re-establish encumbrances or parts of encumbrances of the Vehicle 51372  
Liability Fund as needed in fiscal year 2008 in the Risk 51373  
Management Reserve Fund for the same purposes. The appropriation 51374  
authority necessary to re-establish such encumbrances in fiscal 51375  
year 2008, as determined by the Director of Budget and Management, 51376  
in appropriation item 100-606, Risk Management Reserve, is hereby 51377  
appropriated. When re-established encumbrances or parts of 51378  
re-established encumbrances of the Vehicle Liability Fund are 51379  
canceled, the Director of Budget and Management shall reduce the 51380  
appropriation for appropriation item 100-606, Risk Management 51381  
Reserve, by the amount of the encumbrances canceled. The amounts 51382



canceled are hereby authorized. Any fiscal year 2007 unencumbered 51383  
or unallotted appropriation for appropriation item 100-627, 51384  
Vehicle Liability Insurance, may be transferred to appropriation 51385  
item 100-606, Risk Management Reserve, to be used for the same 51386  
purposes, as determined by the Director of Budget and Management. 51387  
The amounts transferred are hereby appropriated. 51388

**Section 207.10.90. COLLECTIVE BARGAINING ARBITRATION EXPENSES** 51389  
51390

With approval of the Director of Budget and Management, the 51391  
Department of Administrative Services may seek reimbursement from 51392  
state agencies for the actual costs and expenses the department 51393  
incurs in the collective bargaining arbitration process. The 51394  
reimbursements shall be processed through intrastate transfer 51395  
vouchers and placed in the Collective Bargaining Fund (Fund 128). 51396

**Section 207.20.10. EQUAL OPPORTUNITY PROGRAM** 51397

The Department of Administrative Services, with the approval 51398  
of the Director of Budget and Management, shall establish charges 51399  
for recovering the costs of administering the activities supported 51400  
by the State EEO Fund (Fund 188). These charges shall be deposited 51401  
to the credit of the State EEO Fund (Fund 188) upon payment made 51402  
by state agencies, state-supported or state-assisted institutions 51403  
of higher education, and tax-supported agencies, municipal 51404  
corporations, and other political subdivisions of the state, for 51405  
services rendered. 51406

**Section 207.20.20. MERCHANDISE FOR RESALE** 51407

The foregoing appropriation item 100-653, General Services 51408  
Resale Merchandise, shall be used to account for merchandise for 51409  
resale, which is administered by the General Services Division. 51410  
Deposits to the fund may comprise the cost of merchandise for 51411

resale and shipping fees. 51412

**Section 207.20.30. DAS INFORMATION SERVICES 51413**

There is hereby established in the State Treasury the DAS 51414  
Information Services Fund. The foregoing appropriation item 51415  
100-603, DAS Information Services, shall be used to pay the costs 51416  
of providing information systems and services in the Department of 51417  
Administrative Services. 51418

The Department of Administrative Services shall establish 51419  
user charges for all information systems and services that are 51420  
allowable in the statewide indirect cost allocation plan submitted 51421  
annually to the United States Department of Health and Human 51422  
Services. These charges shall comply with federal regulations and 51423  
shall be deposited to the credit of the DAS Information Services 51424  
Fund (Fund 4P3). 51425

**Section 207.20.40. INVESTMENT RECOVERY FUND 51426**

Notwithstanding division (B) of section 125.14 of the Revised 51427  
Code, cash balances in the Investment Recovery Fund (Fund 427) may 51428  
be used to support the operating expenses of the Federal Surplus 51429  
Operating Program created in sections 125.84 to 125.90 of the 51430  
Revised Code. 51431

Notwithstanding division (B) of section 125.14 of the Revised 51432  
Code, cash balances in the Investment Recovery Fund may be used to 51433  
support the operating expenses of the Asset Management Services 51434  
Program, including, but not limited to, the cost of establishing 51435  
and maintaining procedures for inventory records for state 51436  
property as described in section 125.16 of the Revised Code. 51437

Of the foregoing appropriation item 100-602, Investment 51438  
Recovery, up to \$2,271,209 in fiscal year 2008 and up to 51439  
\$2,353,372 in fiscal year 2009 shall be used to pay the operating 51440  
expenses of the State Surplus Property Program, the Surplus 51441

Federal Property Program, and the Asset Management Services 51442  
Program under Chapter 125. of the Revised Code and this section. 51443  
If additional appropriations are necessary for the operations of 51444  
these programs, the Director of Administrative Services shall seek 51445  
increased appropriations from the Controlling Board under section 51446  
131.35 of the Revised Code. 51447

Of the foregoing appropriation item 100-602, Investment 51448  
Recovery, \$3,412,355 in fiscal year 2008 and \$3,330,192 in fiscal 51449  
year 2009 shall be used to transfer proceeds from the sale of 51450  
surplus property from the Investment Recovery Fund to non-General 51451  
Revenue Funds under division (A)(2) of section 125.14 of the 51452  
Revised Code. If it is determined by the Director of 51453  
Administrative Services that additional appropriations are 51454  
necessary for the transfer of such sale proceeds, the Director of 51455  
Administrative Services may request the Director of Budget and 51456  
Management to increase the amounts. Such amounts are hereby 51457  
appropriated. 51458

Notwithstanding division (B) of section 125.14 of the Revised 51459  
Code, the Director of Budget and Management, at the request of the 51460  
Director of Administrative Services, shall transfer up to \$500,000 51461  
of the amounts held for transfer to the General Revenue Fund from 51462  
the Investment Recovery Fund to the State Architect's Fund (Fund 51463  
131) to provide operating cash. 51464

**Section 207.20.50. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM** 51465

Effective with the implementation of the Multi-Agency Radio 51466  
Communications System, the State Chief Information Officer shall 51467  
collect user fees from participants in the system. The State Chief 51468  
Information Officer, with the advice of the Multi-Agency Radio 51469  
Communications System Steering Committee and the Director of 51470  
Budget and Management, shall determine the amount of the fees and 51471  
the manner by which the fees shall be collected. Such user charges 51472

shall comply with the applicable cost principles issued by the 51473  
federal Office of Management and Budget. All moneys from user 51474  
charges and fees shall be deposited in the state treasury to the 51475  
credit of the Multi-Agency Radio Communications System 51476  
Administration Fund (Fund 5C2), which is hereby established in the 51477  
state treasury. All interest income derived from the investment of 51478  
the fund shall accrue to the fund. 51479

**Section 207.20.60. WORKFORCE DEVELOPMENT FUND** 51480

There is hereby established in the state treasury the 51481  
Workforce Development Fund (Fund 5D7). The foregoing appropriation 51482  
item 100-621, Workforce Development, shall be used to make 51483  
payments from the fund. The fund shall be under the supervision of 51484  
the Department of Administrative Services, which may adopt rules 51485  
with regard to administration of the fund. The fund shall be used 51486  
to pay the costs of any remaining obligations of the Workforce 51487  
Development Program, in accordance with Article 37 of the contract 51488  
between the State of Ohio and OCSEA/AFSCME, Local 11, abolished 51489  
effective March 1, 2006. These costs include, but are not limited 51490  
to, remaining grant obligations, payments for tuition 51491  
reimbursement, contracted services and general overhead, and any 51492  
settlement costs associated with the Statewide Cost Allocation 51493  
Program (SWCAP). The program shall be administered in accordance 51494  
with the contract. Revenues shall accrue to the fund as specified 51495  
in the contract. The fund may be used to pay direct and indirect 51496  
costs of the program that are attributable to staff, consultants, 51497  
and service providers. All income derived from the investment of 51498  
the fund shall accrue to the fund. 51499

If it is determined by the Director of Administrative 51500  
Services that additional appropriation amounts are necessary, the 51501  
Director of Administrative Services may request that the Director 51502  
of Budget and Management increase such amounts. Such amounts are 51503

hereby appropriated. 51504

**Section 207.20.70. OAKS SUPPORT ORGANIZATION** 51505

The foregoing appropriation item 100-635, OAKS Support 51506  
Organization, shall be used by the Office of Information 51507  
Technology to support the operating costs associated with the 51508  
implementation and maintenance of the state's enterprise resource 51509  
planning system, OAKS, consistent with its responsibilities under 51510  
this section and Chapters 125. and 126. of the Revised Code. The 51511  
OAKS Support Organization shall operate and maintain the human 51512  
capital management and financial management modules of the state's 51513  
enterprise resource planning system to support statewide human 51514  
resources and financial management activities administered by the 51515  
Department of Administrative Services' human resources division 51516  
and the Office of Budget and Management. The OAKS Support 51517  
Organization shall recover the costs to establish, operate, and 51518  
maintain the OAKS system through intrastate transfer voucher 51519  
billings to the Department of Administrative Services and the 51520  
Office of Budget and Management. Effective July 1, 2007, the 51521  
Department of Administrative Services, with the approval of the 51522  
Director of Budget and Management, shall include the recovery of 51523  
the costs of administering the human capital management module of 51524  
the OAKS System within the human resources services payroll rate. 51525  
These revenues shall be deposited to the credit of the Human 51526  
Resources Services Fund (Fund 125). Amounts deposited under this 51527  
section are hereby appropriated to appropriation item 100-622, 51528  
Human Resources Division-Operating. Not less than quarterly, the 51529  
Department of Administrative Services shall process the intrastate 51530  
transfer billings to transfer cash from the Human Resources 51531  
Services Fund (Fund 125) to the OAKS Support Organization Fund 51532  
(Fund 5EB) to pay for the OAKS Support Organization costs. 51533

**Section 207.20.80. PROFESSIONAL DEVELOPMENT FUND** 51534

The foregoing appropriation item 100-610, Professional Development, shall be used to make payments from the Professional Development Fund (Fund 5L7) under section 124.182 of the Revised Code.

**Section 207.20.90. EMPLOYEE EDUCATIONAL DEVELOPMENT** 51539

There is hereby established in the state treasury the Employee Educational Development Fund (Fund 5V6). The foregoing appropriation item 100-619, Employee Educational Development, shall be used to make payments from the fund. The fund shall be used to pay the costs of the administration of educational programs per existing collective bargaining agreements with District 1199, the Health Care and Social Service Union; State Council of Professional Educators; Ohio Education Association and National Education Association; the Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio State Troopers Association, Units 1 and 15. The fund shall be under the supervision of the Department of Administrative Services, which may adopt rules with regard to administration of the fund. The fund shall be administered in accordance with the applicable sections of the collective bargaining agreements between the State and the aforementioned unions. 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 educational programs. Receipts for these charges shall be deposited into the Employee Educational Development Fund. All income derived from the investment of the funds shall accrue to the fund.

If it is determined by the Director of Administrative Services that additional appropriation amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management increase such amounts. Such amounts are

hereby appropriated with the approval of the Director of Budget 51566  
and Management. 51567

**Section 207.30.10. CENTRALIZED GATEWAY ENHANCEMENTS FUND** 51568

(A) As used in this section, "Ohio Business Gateway" refers 51569  
to the internet-based system operated by the Office of Information 51570  
Technology with the advice of the Ohio Business Gateway Steering 51571  
Committee established under section 5703.57 of the Revised Code. 51572  
The Ohio Business Gateway is established to provide businesses a 51573  
central web site where various filings and payments are submitted 51574  
on-line to government. The information is then distributed to the 51575  
various government entities that interact with the business 51576  
community. 51577

(B) As used in this section: 51578

(1) "State Portal" refers to the official web site of the 51579  
state, operated by the Office of Information Technology. 51580

(2) "Shared Hosting Environment" refers to the computerized 51581  
system operated by the Office of Information Technology for the 51582  
purpose of providing capability for state agencies to host web 51583  
sites. 51584

(C) There is hereby created in the state treasury the 51585  
Centralized Gateway Enhancements Fund (Fund 5X3). The foregoing 51586  
appropriation item 100-634, Centralized Gateway Enhancements, 51587  
shall be used by the Office of Information Technology to pay the 51588  
costs of enhancing, expanding, and operating the infrastructure of 51589  
the Ohio Business Gateway, State Portal, and Shared Hosting 51590  
Environment. The State Chief Information Officer shall submit 51591  
periodic spending plans to the Director of Budget and Management 51592  
to justify operating transfers to the fund from the General 51593  
Revenue Fund. Upon approval, the Director of Budget and Management 51594  
shall transfer approved amounts to the fund, not to exceed the 51595

amount of the annual appropriation in each fiscal year. The 51596  
spending plans may be based on the recommendations of the Ohio 51597  
Business Gateway Steering Committee or its successor. 51598

**Section 207.30.20. MAJOR IT PURCHASES** 51599

The State Chief Information Officer shall compute the amount 51600  
of revenue attributable to the amortization of all equipment 51601  
purchases and capitalized systems from appropriation item 100-607, 51602  
IT Service Delivery; appropriation item 100-617, Major IT 51603  
Purchases; and appropriation item CAP-837, Major IT Purchases, 51604  
which is recovered by the Office of Information Technology as part 51605  
of the rates charged by the IT Service Delivery Fund (Fund 133) 51606  
created in section 125.15 of the Revised Code. The Director of 51607  
Budget and Management may transfer cash in an amount not to exceed 51608  
the amount of amortization computed from the IT Service Delivery 51609  
Fund (Fund 133) to the Major IT Purchases Fund (Fund 4N6). 51610

**Section 207.30.30. INFORMATION TECHNOLOGY ASSESSMENT** 51611

The State Chief Information Officer, with the approval of the 51612  
Director of Budget and Management, may establish an information 51613  
technology assessment for the purpose of recovering the cost of 51614  
selected infrastructure and statewide programs. Such assessment 51615  
shall comply with applicable cost principles issued by the federal 51616  
Office of Management and Budget. The information technology 51617  
assessment shall be charged to all organized bodies, offices, or 51618  
agencies established by the laws of the state for the exercise of 51619  
any function of state government except for the General Assembly, 51620  
any legislative agency, the Supreme Court, the other courts of 51621  
record in Ohio, or any judicial agency, the Adjutant General, the 51622  
Bureau of Workers' Compensation, and institutions administered by 51623  
a board of trustees. Any state-entity exempted by this section may 51624  
utilize the infrastructure or statewide program by participating 51625



in the information technology assessment. All charges for the 51626  
information technology assessment shall be deposited to the credit 51627  
of the IT Governance Fund (Fund 229). 51628

**Section 207.30.40. MULTI-AGENCY RADIO COMMUNICATION SYSTEM** 51629  
DEBT SERVICE PAYMENTS 51630

The Director of Administrative Services, in consultation with 51631  
the Multi-Agency Radio Communication System (MARCS) Steering 51632  
Committee and the Director of Budget and Management, shall 51633  
determine the share of debt service payments attributable to 51634  
spending for MARCS components that are not specific to any one 51635  
agency and that shall be charged to agencies supported by the 51636  
motor fuel tax. Such share of debt service payments shall be 51637  
calculated for MARCS capital disbursements made beginning July 1, 51638  
1997. Within thirty days of any payment made from appropriation 51639  
item 100-447, OBA - Building Rent Payments, the Director of 51640  
Administrative Services shall certify to the Director of Budget 51641  
and Management the amount of this share. The Director of Budget 51642  
and Management shall transfer such amounts to the General Revenue 51643  
Fund from the State Highway Safety Fund (Fund 036) established in 51644  
section 4501.06 of the Revised Code. 51645

The State Chief Information Officer shall consider renting or 51646  
leasing existing tower sites at reasonable or current market 51647  
rates, so long as these existing sites are equipped with the 51648  
technical capabilities to support the MARCS project. 51649

**Section 207.30.50. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY** 51650

Whenever the Director of Administrative Services declares a 51651  
"public exigency," as provided in division (C) of section 123.15 51652  
of the Revised Code, the Director shall also notify the members of 51653  
the Controlling Board. 51654

**Section 207.30.60. GENERAL SERVICE CHARGES** 51655

The Department of Administrative Services, with the approval 51656  
of the Director of Budget and Management, shall establish charges 51657  
for recovering the costs of administering the programs in the 51658  
General Services Fund (Fund 117) and the State Printing Fund (Fund 51659  
210). 51660

**Section 207.30.70. STATE ENERGY SERVICES PROGRAM** 51661

Within 30 days after the effective date of this section, or 51662  
as soon as possible thereafter, the Director of Administrative 51663  
Services shall certify the remaining cash in the Federal Special 51664  
Revenue Fund (Fund 307) to the Director of Budget and Management, 51665  
who shall transfer that amount to the State Architect's Office 51666  
(Fund 131). The cash shall be used to operate the state's energy 51667  
services program. 51668

Within thirty days after the effective date of this section, 51669  
or as soon as possible thereafter, the Director of Administrative 51670  
Services shall certify the remaining cash in the Energy Grants 51671  
Fund (Fund 5A8) to the Director of Budget and Management, who 51672  
shall transfer that amount to the State Architect's Office (Fund 51673  
131). The cash shall be used to operate the state's energy 51674  
services program. 51675

**Section 207.30.80. FEDERAL GRANTS OGRIP** 51676

As soon as possible on or after July 1, 2007, the Director of 51677  
Budget and Management may transfer cash in the amount of 51678  
\$15,072.03 from the Federal Grants OGRIP Fund (Fund 3H6) to the 51679  
General Revenue Fund. 51680

**Section 209.10. AAM COMMISSION ON AFRICAN AMERICAN MALES** 51681

General Revenue Fund 51682

GRF 036-100 Personal Services	\$	235,091	\$	235,091	51683
GRF 036-200 Maintenance	\$	29,000	\$	29,000	51684
GRF 036-300 Equipment	\$	1,000	\$	1,000	51685
GRF 036-502 Community Projects	\$	516,909	\$	1,016,909	51686
TOTAL GRF General Revenue Fund	\$	782,000	\$	1,282,000	51687
State Special Revenue Fund Group					51688
4H3 036-601 Commission on African American Males - Gifts/Grants	\$	10,000	\$	10,000	51689
TOTAL SSR State Special Revenue Fund Group	\$	10,000	\$	10,000	51690
TOTAL ALL BUDGET FUND GROUPS	\$	792,000	\$	1,292,000	51691
CAAM STRATEGIC PLAN					51692
The Commission on African American Males shall develop a					51693
strategic plan to accomplish the tasks put forth in section					51694
4112.13 of the Revised Code.					51695
On January 1, 2008, or as soon as possible thereafter, the					51696
Director of the Commission on African American Males shall submit					51697
a strategic plan for the use of \$500,000 in fiscal year 2008 and					51698
\$1,000,000 in fiscal year 2009 to the Governor, the President of					51699
the Senate, the Minority Leader of the Senate, the Speaker of the					51700
House of Representatives, and the Minority Leader of the House of					51701
Representatives.					51702
Not later than June 30, 2009, the Commission on African					51703
American Males shall submit a report on the impacts and outcomes					51704
of the strategic plan to the Governor, the President of the					51705
Senate, the Minority Leader of the Senate, the Speaker of the					51706
House of Representatives, and the Minority Leader of the House of					51707
Representatives.					51708
<b>Section 211.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW</b>					51709

General Revenue Fund				51710	
GRF 029-321 Operating Expenses	\$	397,000	\$	403,000	51711
TOTAL GRF General Revenue Fund	\$	397,000	\$	403,000	51712
TOTAL ALL BUDGET FUND GROUPS	\$	397,000	\$	403,000	51713

OPERATING 51714

The Chief Administrative Officer of the House of 51715  
Representatives and the Clerk of the Senate shall determine, by 51716  
mutual agreement, which of them shall act as fiscal agent for the 51717  
Joint Committee on Agency Rule Review. 51718

OPERATING EXPENSES 51719

On July 1, 2007, or as soon as possible thereafter, the 51720  
designated fiscal agent shall certify to the Director of Budget 51721  
and Management the total fiscal year 2007 unencumbered 51722  
appropriations in appropriation item 029-321, Operating Expenses. 51723  
The designated fiscal agent may direct the Director of Budget and 51724  
Management to transfer an amount not to exceed the total fiscal 51725  
year 2007 unencumbered appropriations to fiscal year 2008 for use 51726  
in appropriation item 029-321, Operating Expenses. Additional 51727  
appropriation authority equal to the amount certified by the 51728  
designated fiscal agent is hereby appropriated to appropriation 51729  
item 029-321, Operating Expenses, in fiscal year 2008. 51730

On July 1, 2008, or as soon as possible thereafter, the 51731  
designated fiscal agent shall certify to the Director of Budget 51732  
and Management the total fiscal year 2008 unencumbered 51733  
appropriations in appropriation item 029-321, Operating Expenses. 51734  
The designated fiscal agent may direct the Director of Budget and 51735  
Management to transfer an amount not to exceed the total fiscal 51736  
year 2008 unencumbered appropriations to fiscal year 2009 for use 51737  
in appropriation item 029-321, Operating Expenses. Additional 51738  
appropriation authority equal to the amount certified by the 51739  
designated fiscal agent is hereby appropriated to appropriation 51740

item 029-321, Operating Expenses, in fiscal year 2009.				51741	
<b>Section 213.10. AGE DEPARTMENT OF AGING</b>				51742	
General Revenue Fund				51743	
GRF 490-321 Operating Expenses	\$	2,637,571	\$	2,637,271	51744
GRF 490-403 PASSPORT	\$	128,391,189	\$	158,196,465	51745
GRF 490-406 Senior Olympics	\$	14,856	\$	14,856	51746
GRF 490-409 Ohio Community Service	\$	183,792	\$	183,792	51747
Council Operations					
GRF 490-410 Long-Term Care	\$	654,965	\$	654,965	51748
Ombudsman					
GRF 490-411 Senior Community	\$	10,349,439	\$	10,349,439	51749
Services					
GRF 490-412 Residential State	\$	9,156,771	\$	9,156,771	51750
Supplement					
GRF 490-414 Alzheimers Respite	\$	4,131,594	\$	4,131,594	51751
GRF 490-416 JCFS Community Options	\$	250,000	\$	250,000	51752
GRF 490-421 PACE	\$	10,214,809	\$	10,214,809	51753
GRF 490-422 Assisted Living Waiver	\$	12,554,940	\$	15,213,890	51754
GRF 490-506 National Senior	\$	335,296	\$	335,296	51755
Service Corps					
TOTAL GRF General Revenue Fund	\$	178,875,222	\$	211,339,148	51756
General Services Fund Group				51757	
480 490-606 Senior Community	\$	372,677	\$	372,677	51758
Outreach and Education					
TOTAL GSF General Services Fund				51759	
Group	\$	372,677	\$	372,677	51760
Federal Special Revenue Fund Group				51761	
3C4 490-607 PASSPORT	\$	301,767,486	\$	301,274,172	51762
3C4 490-621 PACE-Federal	\$	14,586,135	\$	14,586,135	51763
3C4 490-622 Assisted	\$	14,972,892	\$	21,810,442	51764
Living-Federal					

3M4	490-612	Federal Independence Services	\$	62,406,819	\$	63,655,080	51765
3R7	490-617	Ohio Community Service Council Programs	\$	8,870,000	\$	8,870,000	51766
322	490-618	Federal Aging Grants	\$	10,000,000	\$	10,200,000	51767
TOTAL FED Federal Special Revenue							51768
Fund Group			\$	412,603,332	`	420,395,829	51769
State Special Revenue Fund Group							51770
4C4	490-609	Regional Long-Term Care Ombudsman Program	\$	935,000	\$	935,000	51771
4J4	490-610	PASSPORT/Residential State Supplement	\$	33,491,930	\$	33,263,984	51772
4U9	490-602	PASSPORT Fund	\$	4,424,969	\$	4,424,969	51773
5AA	490-673	Ohio's Best Rx Administration	\$	1,184,154	\$	910,801	51774
5BA	490-620	Ombudsman Support	\$	600,000	\$	600,000	51775
5K9	490-613	Long Term Care Consumers Guide	\$	820,400	\$	820,400	51776
5W1	490-616	Resident Services Coordinator Program	\$	330,000	\$	330,000	51777
624	490-604	OCSC Community Support	\$	470,000	\$	470,000	51778
TOTAL SSR State Special Revenue							51779
Fund Group			\$	42,256,453	\$	41,755,154	51780
TOTAL ALL BUDGET FUND GROUPS			\$	634,107,684	\$	673,862,808	51781

**Section 213.20. PRE-ADMISSION REVIEW FOR NURSING FACILITY**

51783

**ADMISSION**

51784

Pursuant to an interagency agreement, the Department of Job and Family Services shall designate the Department of Aging to perform assessments under sections 173.42 and 5111.204 of the Revised Code. Of the foregoing appropriation item 490-403, PASSPORT, the Department of Aging may use not more than \$2,731,000 in fiscal year 2008 and \$2,813,000 in fiscal year 2009 to perform

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the assessments for persons not eligible for Medicaid under the 51791  
department's interagency agreement with the Department of Job and 51792  
Family Services and to assist individuals in planning for their 51793  
long-term health care needs. 51794

PASSPORT 51795

Appropriation item 490-403, PASSPORT, and the amounts set 51796  
aside for the PASSPORT Waiver Program in appropriation item 51797  
490-610, PASSPORT/Residential State Supplement, may be used to 51798  
assess clients regardless of Medicaid eligibility. 51799

The Director of Aging shall adopt rules under section 111.15 51800  
of the Revised Code governing the nonwaiver funded PASSPORT 51801  
program, including client eligibility. 51802

The Department of Aging shall administer the Medicaid 51803  
waiver-funded PASSPORT Home Care Program as delegated by the 51804  
Department of Job and Family Services in an interagency agreement. 51805  
The foregoing appropriation item 490-403, PASSPORT, and the 51806  
amounts set aside for the PASSPORT Waiver Program in appropriation 51807  
item 490-610, PASSPORT/Residential State Supplement, shall be used 51808  
to provide the required state match for federal Medicaid funds 51809  
supporting the Medicaid Waiver-funded PASSPORT Home Care Program. 51810  
Appropriation item 490-403, PASSPORT, and the amounts set aside 51811  
for the PASSPORT Waiver Program in appropriation item 490-610, 51812  
PASSPORT/Residential State Supplement, may also be used to support 51813  
the Department of Aging's administrative costs associated with 51814  
operating the PASSPORT program. 51815

The foregoing appropriation item 490-607, PASSPORT, shall be 51816  
used to provide the federal matching share for all PASSPORT 51817  
program costs determined by the Department of Job and Family 51818  
Services to be eligible for Medicaid reimbursement. 51819

OHIO COMMUNITY SERVICE COUNCIL 51820

The foregoing appropriation items 490-409, Ohio Community 51821

Service Council Operations, and 490-617, Ohio Community Service 51822  
Council Programs, shall be used in accordance with section 121.40 51823  
of the Revised Code. 51824

LONG-TERM CARE OMBUDSMAN 51825

The foregoing appropriation item 490-410, Long-Term Care 51826  
Ombudsman, shall be used for a program to fund ombudsman program 51827  
activities as authorized in sections 173.14 to 173.27 and section 51828  
173.99 of the Revised Code. 51829

SENIOR COMMUNITY SERVICES 51830

Appropriation item 490-411, Senior Community Services, shall 51831  
be used for services designated by the Department of Aging, 51832  
including, but not limited to, home-delivered and congregate 51833  
meals, transportation services, personal care services, respite 51834  
services, adult day services, home repair, care coordination, and 51835  
decision support systems. Service priority shall be given to low 51836  
income, frail, and cognitively impaired persons 60 years of age 51837  
and over. The department shall promote cost sharing by service 51838  
recipients for those services funded with senior community 51839  
services funds, including, when possible, sliding-fee scale 51840  
payment systems based on the income of service recipients. 51841

RESIDENTIAL STATE SUPPLEMENT 51842

Under the Residential State Supplement Program, the amount 51843  
used to determine whether a resident is eligible for payment and 51844  
for determining the amount per month the eligible resident will 51845  
receive shall be as follows: 51846

(A) \$900 for a residential care facility, as defined in 51847  
section 3721.01 of the Revised Code; 51848

(B) \$900 for an adult group home, as defined in Chapter 3722. 51849  
of the Revised Code; 51850

(C) \$800 for an adult foster home, as defined in Chapter 173. 51851



of the Revised Code;	51852
(D) \$800 for an adult family home, as defined in Chapter 3722. of the Revised Code;	51853 51854
(E) \$800 for an adult community alternative home, as defined in Chapter 3724. of the Revised Code;	51855 51856
(F) \$800 for an adult residential facility, as defined in Chapter 5119. of the Revised Code;	51857 51858
(G) \$600 for adult community mental health housing services, as defined in division (B)(5) of section 173.35 of the Revised Code.	51859 51860 51861
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.	51862 51863 51864
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	51865
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.	51866 51867 51868 51869 51870 51871 51872
ALZHEIMERS RESPITE	51873
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.	51874 51875 51876
JCFS COMMUNITY OPTIONS	51877
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,	51878 51879 51880 51881

socialization programs, and grocery shopping. The funds shall pass 51882  
through and shall be administered by the Area Agencies on Aging. 51883  
Agencies receiving funding from appropriation item 490-416, JCFS 51884  
Community Options, shall coordinate services with other local 51885  
service agencies. The appropriation shall be allocated to the 51886  
following agencies: 51887

(A) \$80,000 in both fiscal years to Cincinnati Jewish 51888  
Vocational Services; 51889

(B) \$70,000 in both fiscal years to Wexner Heritage Village; 51890

(C) \$20,000 in both fiscal years to Yassenoff Jewish 51891  
Community Center; 51892

(D) \$80,000 in both fiscal years to Cleveland Jewish 51893  
Community Center. 51894

ALLOCATION OF PACE SLOTS 51895

In order to effectively administer and manage growth within 51896  
the PACE Program, the Director of Aging may, as the director deems 51897  
appropriate and to the extent funding is available, allocate funds 51898  
for the PACE Program between the PACE sites in Cleveland and 51899  
Cincinnati. 51900

OHIO'S BEST RX START-UP COSTS 51901

An amount equal to the unencumbered balance in appropriation 51902  
item 490-440, Ohio's Best Rx Start-up Costs, from fiscal year 2007 51903  
is hereby appropriated for fiscal year 2008 into appropriation 51904  
item 490-440, Ohio's Best Rx Start-up Costs. 51905

An amount equal to the remaining unencumbered balance in 51906  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, from 51907  
fiscal year 2008 is hereby appropriated for fiscal year 2009 into 51908  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs. The 51909  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, shall 51910  
be used by the Department of Aging to pay for the administrative 51911

and operational expenses of the Ohio's Best Rx Program in 51912  
accordance with sections 173.71 to 173.91 of the Revised Code, 51913  
including costs associated with the duties assigned by the 51914  
department to the Ohio's Best Rx Program Administrator and for 51915  
making payments to participating terminal distributors until 51916  
sufficient cash exists to make payments from the accounts created 51917  
in sections 173.85 and 173.86 of the Revised Code. Of 51918  
appropriation item 490-440, Ohio's Best Rx Start-Up Costs, not 51919  
more than \$750,000 in each fiscal year may be used by the 51920  
department for administrative and operational costs, excluding 51921  
outreach, that are not associated with the Ohio's Best Rx Program 51922  
Administrator or the payments to participating terminal 51923  
distributors. 51924

EDUCATION AND TRAINING 51925

The foregoing appropriation item 490-606, Senior Community 51926  
Outreach and Education, may be used to provide training to workers 51927  
in the field of aging pursuant to division (G) of section 173.02 51928  
of the Revised Code. 51929

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 51930

The foregoing appropriation item 490-609, Regional Long-Term 51931  
Care Ombudsman Program, shall be used solely to pay the costs of 51932  
operating the regional long-term care ombudsman programs 51933  
designated by the Long-Term Care Ombudsman. 51934

PASSPORT/RESIDENTIAL STATE SUPPLEMENT 51935

Of the foregoing appropriation item 490-610, 51936  
PASSPORT/Residential State Supplement, up to \$2,835,000 each 51937  
fiscal year may be used to fund the Residential State Supplement 51938  
Program. The remaining available funds shall be used to fund the 51939  
PASSPORT program. 51940

FEDERAL SUPPORTIVE SERVICES FUND 51941

On July 1, 2007, as soon as possible thereafter, the Director 51942  
of Budget and Management shall transfer all assets, liabilities, 51943  
revenues, and obligations associated with the Federal Aging 51944  
Nutrition Fund (Fund 3M3) to the Federal Supportive Services Fund 51945  
(Fund 3M4). Upon the transfer, the Federal Aging Nutrition Fund 51946  
(Fund 3M3) shall cease to exist. The Director of Budget and 51947  
Management shall cancel any existing encumbrances against 51948  
appropriation item 490-611, Federal Aging Nutrition Fund (Fund 51949  
3M3), and re-establish them against appropriation item 490-612, 51950  
Federal Independence Services (Fund 3M4). The amounts of the 51951  
re-established encumbrances are hereby appropriated. 51952

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 51953  
AND FEDERAL AGING GRANTS 51954

Upon written request of the Director of Aging, the Director 51955  
of Budget and Management may transfer appropriation authority 51956  
among appropriation items 490-612, Federal Independence Services, 51957  
and 490-618, Federal Aging Grants, in amounts not to exceed 30 per 51958  
cent of the appropriation from which the transfer is made. The 51959  
Department of Aging shall report a transfer to the Controlling 51960  
Board at the next regularly scheduled meeting of the board. 51961

TRANSFER OF RESIDENT PROTECTION FUNDS 51962

The Director of Budget and Management shall transfer \$600,000 51963  
per year in cash from Fund 4E3, Resident Protection Fund, in the 51964  
Department of Job and Family Services, to Fund 5BA in the 51965  
Department of Aging, to be used for the expansion of ombudsman 51966  
services to enhance consumer involvement and person-centered care 51967  
planning in nursing homes by the Office of the State Long-Term 51968  
Care Ombudsman created by the Department of Aging under division 51969  
(M) of section 173.01 of the Revised Code. 51970

OHIO'S BEST RX ADMINISTRATION 51971

The foregoing appropriation item 490-673, Ohio's Best Rx 51972

Administration, shall be used on an ongoing basis to cover 51973  
 expenses associated with the Ohio's Best Rx Program specified in 51974  
 section 173.86 of the Revised Code. If receipts to the fund exceed 51975  
 the appropriated amount, the Director of Aging may seek 51976  
 Controlling Board approval to increase the appropriation of this 51977  
 fund. Upon approval from the Controlling Board, the additional 51978  
 amounts are hereby appropriated. 51979

**Section 215.10.** AGR DEPARTMENT OF AGRICULTURE 51980

General Revenue Fund 51981

GRF 700-321	Operating Expenses	\$	2,605,330	\$	2,605,330	51982
GRF 700-401	Animal Disease Control	\$	3,574,506	\$	3,574,506	51983
GRF 700-403	Dairy Division	\$	1,304,504	\$	1,304,504	51984
GRF 700-404	Ohio Proud	\$	196,895	\$	196,895	51985
GRF 700-405	Animal Damage Control	\$	60,000	\$	60,000	51986
GRF 700-406	Consumer Analytical Lab	\$	953,906	\$	953,906	51987
GRF 700-407	Food Safety	\$	865,100	\$	865,100	51988
GRF 700-409	Farmland Preservation	\$	241,573	\$	241,573	51989
GRF 700-410	Plant Industry	\$	150,000	\$	150,000	51990
GRF 700-411	International Trade and Market Development	\$	617,524	\$	517,524	51991
GRF 700-412	Weights and Measures	\$	1,300,000	\$	1,300,000	51992
GRF 700-413	Gypsy Moth Prevention	\$	200,000	\$	200,000	51993
GRF 700-415	Poultry Inspection	\$	325,000	\$	325,000	51994
GRF 700-418	Livestock Regulation Program	\$	1,428,496	\$	1,428,496	51995
GRF 700-424	Livestock Testing and Inspections	\$	115,946	\$	115,946	51996
GRF 700-499	Meat Inspection Program - State Share	\$	4,696,889	\$	4,696,889	51997
GRF 700-501	County Agricultural	\$	483,226	\$	483,226	51998

Societies				
GRF 700-503	Livestock Exhibition	\$	62,500	\$ 62,500 51999
Fund				
TOTAL GRF	General Revenue Fund	\$	19,181,395	\$ 19,081,395 52000
General Services Fund Group				52001
5DA 700-644	Laboratory	\$	1,100,000	\$ 1,100,000 52002
Administration Support				
TOTAL GSF	General Services Fund	\$	1,100,000	\$ 1,100,000 52003
Group				
Federal Special Revenue Fund Group				52004
3AB 700-641	Agricultural Easement	\$	2,000,000	\$ 2,000,000 52005
3J4 700-607	Indirect Cost	\$	600,000	\$ 600,000 52006
3R2 700-614	Federal Plant Industry	\$	4,800,000	\$ 4,800,000 52007
326 700-618	Meat Inspection	\$	4,960,000	\$ 4,950,000 52008
Program - Federal Share				
336 700-617	Ohio Farm Loan	\$	44,679	\$ 44,679 52009
Revolving Fund				
382 700-601	Cooperative Contracts	\$	3,700,000	\$ 3,700,000 52010
TOTAL FED	Federal Special Revenue			52011
Fund Group		\$	16,104,679	\$ 16,094,679 52012
State Special Revenue Fund Group				52013
4C9 700-605	Feed, Fertilizer, Seed, and Lime	\$	1,850,000	\$ 1,850,000 52014
Inspection				
4D2 700-609	Auction Education	\$	24,601	\$ 24,601 52015
4E4 700-606	Utility Radiological	\$	73,059	\$ 73,059 52016
Safety				
4P7 700-610	Food Safety Inspection	\$	858,096	\$ 858,096 52017
4R2 700-637	Dairy Industry	\$	1,500,000	\$ 1,500,000 52018
Inspection				
4T6 700-611	Poultry and Meat	\$	47,294	\$ 47,294 52019

		Inspection					
4T7	700-613	International Trade	\$	15,000	\$	15,000	52020
		and Market Development					
494	700-612	Agricultural Commodity	\$	250,000	\$	250,000	52021
		Marketing Program					
496	700-626	Ohio Grape Industries	\$	850,000	\$	849,999	52022
497	700-627	Commodity Handlers	\$	500,000	\$	500,000	52023
		Regulatory Program					
5B8	700-629	Auctioneers	\$	365,390	\$	365,390	52024
5H2	700-608	Metrology Lab and	\$	427,526	\$	427,526	52025
		Scale Certification					
5L8	700-604	Livestock Management	\$	30,000	\$	30,000	52026
		Program					
578	700-620	Ride Inspection Fees	\$	1,000,000	\$	1,000,001	52027
652	700-634	Animal and Consumer	\$	3,000,000	\$	3,000,000	52028
		Analytical Laboratory					
669	700-635	Pesticide Program	\$	2,800,000	\$	2,800,000	52029
TOTAL SSR		State Special Revenue					52030
Fund Group			\$	13,590,966	\$	13,590,966	52031
Clean Ohio		Fund Group					52032
057	700-632	Clean Ohio	\$	149,000	\$	149,000	52033
		Agricultural Easement					
TOTAL CLR		Clean Ohio Fund Group	\$	149,000	\$	149,000	52034
TOTAL ALL BUDGET FUND GROUPS			\$	50,126,040	\$	50,016,040	52035
		OHIO - ISRAEL AGRICULTURAL INITIATIVE					52036
		Of the foregoing General Revenue Fund appropriation item					52037
		700-411, International Trade and Market Development, \$100,000					52038
		shall be used in fiscal year 2008 for the Ohio - Israel					52039
		Agricultural Initiative.					52040
		COUNTY AGRICULTURAL SOCIETIES					52041
		The foregoing appropriation item 700-501, County Agricultural					52042
		Societies, shall be used to reimburse county and independent					52043

agricultural societies for expenses related to Junior Fair				52044
activities.				52045
LIVESTOCK EXHIBITION FUND				52046
The foregoing appropriation item 700-503, Livestock				52047
Exhibition Fund, shall be used in accordance with section 901.42				52048
of the Revised Code.				52049
CORRECTIVE CASH TRANSFER TO ANIMAL HEALTH AND FOOD SAFETY				52050
FUND				52051
On the effective date of this section, or as soon as possible				52052
thereafter, the Director of Budget and Management may transfer all				52053
cash from the Animal Industry Laboratory Fund (Fund 4V5) to the				52054
Laboratory Services Fund (Fund 652) to correct deposits that were				52055
mistakenly deposited to the Laboratory Services Fund (Fund 4V5).				52056
<b>Section 217.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY</b>				52057
General Revenue Fund				52058
GRF 898-402 Coal Development	\$	565,097	\$ 589,092	52059
Office				
GRF 898-901 Coal R&D General	\$	7,232,400	\$ 8,192,500	52060
Obligation Debt				
Service				
TOTAL GRF General Revenue Fund	\$	7,797,497	\$ 8,781,592	52061
General Services Fund Group				52062
5EG 898-608 Energy Strategy	\$	307,000	\$ 307,000	52063
Development				
TOTAL GSF General Services Fund	\$	307,000	\$ 307,000	52064
Agency Fund Group				52065
4Z9 898-602 Small Business	\$	287,146	\$ 294,290	52066
Ombudsman				
5A0 898-603 Small Business	\$	71,087	\$ 71,087	52067
Assistance				



570 898-601 Operating Expenses	\$	255,000	\$	264,000	52068
TOTAL AGY Agency Fund Group	\$	613,233	\$	629,377	52069
Coal Research/Development Fund					52070
046 898-604 Coal Research and Development Fund	\$	10,000,000	\$	10,000,000	52071
TOTAL 046 Coal Research/Development Fund	\$	10,000,000	\$	10,000,000	52072
TOTAL ALL BUDGET FUND GROUPS	\$	18,717,730	\$	19,717,969	52073
COAL DEVELOPMENT OFFICE					52074
The foregoing appropriation item GRF 898-402, Coal Development Office, shall be used for the administrative costs of the Coal Development Office.					52075 52076 52077
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE					52078
The foregoing appropriation item GRF 898-901, Coal R & D General Obligation Debt Service, shall be used to pay all debt service and related financing costs at the times they are required to be made during the period from July 1, 2007 to June 30, 2009 for obligations issued under sections 151.01 and 151.07 of the Revised Code.					52079 52080 52081 52082 52083 52084
SCIENCE AND TECHNOLOGY COLLABORATION					52085
The Air Quality Development Authority shall work in close collaboration with the Department of Development, the Board of Regents, and the Third Frontier Commission in relation to appropriation items and programs referred to as Alignment Programs in the following paragraph, and other technology-related appropriations and programs in the Department of Development, Air Quality Development Authority, and the Board of Regents as those agencies may designate, to ensure implementation of a coherent state strategy with respect to science and technology.					52086 52087 52088 52089 52090 52091 52092 52093 52094
To the extent permitted by law, the Air Quality Development Authority shall assure that coal research and development					52095 52096

programs, proposals, and projects consider or incorporate 52097  
appropriate collaborations with Third Frontier Project programs 52098  
and grantees and with Alignment Programs and grantees. 52099

"Alignment Programs" means: appropriation items 195-401, 52100  
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 52101  
Third Frontier Action Fund; 898-604, Coal Research and Development 52102  
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 52103  
Institute of Technology; 235-510, Ohio Supercomputer Center; 52104  
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 52105  
235-535, Ohio Agricultural Research and Development Center; 52106  
235-553, Dayton Area Graduate Studies Institute; 235-554, 52107  
Priorities in Collaborative Graduate Education; 235-556, Ohio 52108  
Academic Resources Network; and 195-435, Biomedical Research and 52109  
Technology Transfer Trust. 52110

Consistent with the recommendations of the Governor's 52111  
Commission on Higher Education and the Economy, Alignment Programs 52112  
shall be managed and administered (1) to build on existing 52113  
competitive research strengths, (2) to encourage new and emerging 52114  
discoveries and commercialization of ideas and products that will 52115  
benefit the Ohio economy, and (3) to assure improved collaboration 52116  
among Alignment Programs, with programs administered by the Third 52117  
Frontier Commission, and with other state programs that are 52118  
intended to improve economic growth and job creation. 52119

As directed by the Third Frontier Commission, Alignment 52120  
Program managers shall report to the Commission or to the Third 52121  
Frontier Advisory Board on the contributions of their programs to 52122  
achieving the objectives stated in the preceding paragraph. 52123

Each alignment program shall be reviewed annually by the 52124  
Third Frontier Commission with respect to its development of 52125  
complementary relationships within a combined state science and 52126  
technology investment portfolio and its overall contribution to 52127  
the state's science and technology strategy, including the 52128

adoption of appropriately consistent criteria for: (1) the 52129  
scientific merit of activities supported by the program; (2) the 52130  
relevance of the program's activities to commercial opportunities 52131  
in the private sector; (3) the private sector's involvement in a 52132  
process that continually evaluates commercial opportunities to use 52133  
the work supported by the program; and (4) the ability of the 52134  
program and recipients of grant funding from the program to engage 52135  
in activities that are collaborative, complementary, and efficient 52136  
with respect to the expenditure of state funds. Each alignment 52137  
program shall provide annual reports to the Third Frontier 52138  
Commission discussing existing, planned, or possible 52139  
collaborations between programs and recipients of grant funding 52140  
related to technology, development, commercialization, and 52141  
supporting Ohio's economic development. The annual review by the 52142  
Third Frontier Commission shall be a comprehensive review of the 52143  
entire state science and technology program portfolio rather than 52144  
a review of individual programs. 52145

Applicants for Third Frontier and Alignment Program funding 52146  
shall identify their requirements for high-performance computing 52147  
facilities and services, including both hardware and software, in 52148  
all proposals. If an applicant's requirements exceed approximately 52149  
\$100,000 for a proposal, the Ohio Supercomputer Center shall 52150  
convene a panel of experts. The panel shall review the proposal to 52151  
determine whether the proposal's requirements can be met through 52152  
Ohio Supercomputer Center facilities or through other means and 52153  
report its conclusion to the Third Frontier Commission. 52154

To ensure that the state receives the maximum benefit from 52155  
its investment in the Third Frontier Project and the Third 52156  
Frontier Network, organizations receiving Third Frontier awards 52157  
and Alignment Program awards shall, as appropriate, be expected to 52158  
have a connection to the Third Frontier Network that enables them 52159  
and their collaborators to achieve award objectives through the 52160

Third Frontier Network.				52161	
CORRECTIVE CASH TRANSFER				52162	
On the effective date of this section, or as soon as possible				52163	
thereafter, the Director of Budget and Management may transfer				52164	
\$35,555.35 in cash from the Coal Research and Development Fund				52165	
(Fund 046) into the Coal Research and Development Bond Services				52166	
Fund (Fund 076) to correct deposits that were mistakenly deposited				52167	
into the Coal Research and Development Fund (Fund 046).				52168	
<b>Section 219.10. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION</b>				52169	
SERVICES				52170	
General Revenue Fund				52171	
GRF 038-321 Operating Expenses	\$	1,071,861	\$	1,071,861	52172
GRF 038-401 Treatment Services	\$	31,661,063	\$	34,661,063	52173
GRF 038-404 Prevention Services	\$	1,052,127	\$	1,552,127	52174
TOTAL GRF General Revenue Fund	\$	33,785,051	\$	37,285,051	52175
General Services Fund				52176	
5T9 038-616 Problem Gambling	\$	285,000	\$	285,000	52177
Services					
TOTAL GSF General Services Fund	\$	285,000	\$	285,000	52178
Group					
Federal Special Revenue Fund Group				52179	
3CK 038-625 TANF	\$	5,000,000	\$	5,000,000	52180
3G3 038-603 Drug Free Schools	\$	3,500,000	\$	3,500,000	52181
3G4 038-614 Substance Abuse Block	\$	73,000,000	\$	73,000,000	52182
Grant					
3H8 038-609 Demonstration Grants	\$	7,093,075	\$	7,093,075	52183
3J8 038-610 Medicaid	\$	46,000,000	\$	46,000,000	52184
3N8 038-611 Administrative	\$	500,000	\$	500,000	52185
Reimbursement					
TOTAL FED Federal Special Revenue				52186	

Fund Group	\$	135,093,075	\$	135,093,075	52187
State Special Revenue Fund Group					52188
475 038-621 Statewide Treatment and Prevention	\$	18,000,000	\$	18,000,000	52189
5BR 038-406 Tobacco Use Prevention and Control Program	\$	205,000	\$	205,000	52190
5DH 038-620 Fetal Alcohol Spectrum Disorder	\$	327,500	\$	327,500	52191
689 038-604 Education and Conferences	\$	350,000	\$	350,000	52192
TOTAL SSR State Special Revenue					52193
Fund Group	\$	18,882,500	\$	18,882,500	52194
TOTAL ALL BUDGET FUND GROUPS	\$	188,045,626	\$	191,545,626	52195
TREATMENT SERVICES					52196
Of the foregoing appropriation item 038-401, Treatment Services, not more than \$8,190,000 shall be used by the Department of Alcohol and Drug Addiction Services for program grants for priority populations in each year of the biennium.					52197 52198 52199 52200
SUBSTANCE ABUSE SERVICES FOR FAMILIES OF AT RISK CHILDREN					52201
Of the foregoing appropriation item 038-401, Treatment Services, \$4 million in each fiscal year shall be used to provide substance abuse services to families involved in the child welfare system under the requirements of Am. Sub. H.B. 484 of the 122nd General Assembly.					52202 52203 52204 52205 52206
THERAPEUTIC COMMUNITIES					52207
Of the foregoing appropriation item 038-401, Treatment Services, \$600,000 shall be used in each fiscal year for the Therapeutic Communities Program in the Department of Rehabilitation and Correction.					52208 52209 52210 52211
JUVENILE AFTERCARE PROGRAM					52212

Of the foregoing appropriation item 038-401, Treatment Services, \$2,500,000 shall be used in fiscal year 2009 for the Juvenile Aftercare Program to provide community-based alcohol and other drug treatment to parolees from the Department of Youth Services.

SERVICES FOR TANF-ELIGIBLE INDIVIDUALS 52218

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.

PERFORMANCE REVIEW 52227

The Auditor of State shall complete a performance review of the Department of Alcohol and Drug Addiction Services. Upon completing the performance review, the Auditor of State shall submit a report of the findings of the review to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Director of Alcohol and Drug Addiction Services.

**Section 221.10.** ARC STATE BOARD OF EXAMINERS OF ARCHITECTS 52235

General Services Fund Group				52236	
4K9 891-609 Operating Expenses	\$	589,710	\$	527,641	52237
TOTAL GSF General Services Fund Group				52238	
	\$	589,710	\$	527,641	52239
TOTAL ALL BUDGET FUND GROUPS	\$	589,710	\$	527,641	52240

**Section 223.10.** ART OHIO ARTS COUNCIL 52242

General Revenue Fund				52243
GRF 370-100 Personal Services	\$	1,798,235	\$ 1,798,235	52244
GRF 370-200 Maintenance	\$	459,746	\$ 459,746	52245
GRF 370-300 Equipment	\$	82,700	\$ 82,700	52246
GRF 370-502 State Program	\$	9,147,480	\$ 9,147,480	52247
Subsidies				
TOTAL GRF General Revenue Fund	\$	11,488,161	\$ 11,488,161	52248
General Services Fund Group				52249
4B7 370-603 Percent for Art	\$	86,366	\$ 86,366	52250
Acquisitions				
460 370-602 Management Expenses	\$	285,000	\$ 285,000	52251
and Donations				
TOTAL GSF General Services Fund	\$	371,366	\$ 371,366	52252
Group				
Federal Special Revenue Fund Group				52253
314 370-601 Federal Support	\$	800,000	\$ 800,000	52254
TOTAL FED Federal Special Revenue	\$	800,000	\$ 800,000	52255
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	12,659,527	\$ 12,659,527	52256
PROGRAM SUBSIDIES				
A museum is not eligible to receive funds from appropriation				52258
item 370-502, State Program Subsidies, if \$8,000,000 or more in				52259
capital appropriations were appropriated by the state for the				52260
museum between January 1, 1986, and December 31, 2002.				52261
<b>Section 225.10. ATH ATHLETIC COMMISSION</b>				
General Services Fund Group				52262
4K9 175-609 Operating Expenses	\$	255,850	\$ 255,850	52264
TOTAL GSF General Services Fund	\$	255,850	\$ 255,850	52265
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	255,850	\$ 255,850	52266

<b>Section 227.10. AGO ATTORNEY GENERAL</b>				52268
General Revenue Fund				52269
GRF 055-321	Operating Expenses	\$ 54,063,833	\$ 54,007,332	52270
GRF 055-404	Tobacco Settlement	\$ 0	\$ 723,797	52271
Enforcement				
GRF 055-411	County Sheriffs' Pay	\$ 813,117	\$ 842,134	52272
Supplement				
GRF 055-415	County Prosecutors'	\$ 896,404	\$ 923,888	52273
Pay Supplement				
TOTAL GRF	General Revenue Fund	\$ 55,773,354	\$ 56,497,151	52274
General Services Fund Group				52275
106 055-612	General Reimbursement	\$ 29,870,196	\$ 29,870,196	52276
195 055-660	Workers' Compensation	\$ 8,002,720	\$ 8,002,720	52277
Section				
4Y7 055-608	Title Defect	\$ 750,000	\$ 750,000	52278
Rescission				
4Z2 055-609	BCI Asset Forfeiture	\$ 1,000,000	\$ 1,000,000	52279
and Cost Reimbursement				
418 055-615	Charitable Foundations	\$ 6,919,850	\$ 7,064,978	52280
420 055-603	Attorney General	\$ 1,500,000	\$ 1,500,000	52281
Antitrust				
421 055-617	Police Officers'	\$ 2,000,000	\$ 2,000,000	52282
Training Academy Fee				
5A9 055-618	Telemarketing Fraud	\$ 7,500	\$ 7,500	52283
Enforcement				
590 055-633	Peace Officer Private	\$ 98,370	\$ 98,370	52284
Security Fund				
629 055-636	Corrupt Activity	\$ 15,000	\$ 15,000	52285
Investigation and				
Prosecution				
631 055-637	Consumer Protection	\$ 2,500,000	\$ 2,500,000	52286



Enforcement			
TOTAL GSF General Services Fund			52287
Group	\$	52,663,636	\$ 52,808,764 52288
Federal Special Revenue Fund Group			
3E5 055-638 Attorney General	\$	2,850,000	\$ 3,030,000 52290
Pass-Through Funds			
3R6 055-613 Attorney General	\$	4,870,000	\$ 5,115,000 52291
Federal Funds			
306 055-620 Medicaid Fraud Control	\$	3,139,500	\$ 3,296,500 52292
381 055-611 Civil Rights Legal	\$	402,540	\$ 402,540 52293
Service			
383 055-634 Crime Victims	\$	16,000,000	\$ 16,000,000 52294
Assistance			
TOTAL FED Federal Special Revenue			52295
Fund Group	\$	27,262,040	\$ 27,844,040 52296
State Special Revenue Fund Group			
4L6 055-606 DARE	\$	3,927,962	\$ 3,927,962 52298
402 055-616 Victims of Crime	\$	34,000,000	\$ 34,000,000 52299
419 055-623 Claims Section	\$	25,000,000	\$ 25,000,000 52300
659 055-641 Solid and Hazardous	\$	621,159	\$ 621,159 52301
Waste Background Investigations			
TOTAL SSR State Special Revenue			52302
Fund Group	\$	63,549,121	\$ 63,549,121 52303
Holding Account Redistribution Fund Group			
R04 055-631 General Holding	\$	1,000,000	\$ 1,000,000 52305
Account			
R05 055-632 Antitrust Settlements	\$	1,000	\$ 1,000 52306
R18 055-630 Consumer Frauds	\$	750,000	\$ 750,000 52307
R42 055-601 Organized Crime	\$	25,025	\$ 25,025 52308
Commission Distributions			

TOTAL 090 Holding Account				52309	
Redistribution Fund Group	\$	1,776,025	\$	1,776,025	52310
TOTAL ALL BUDGET FUND GROUPS	\$	201,024,176	\$	202,475,101	52311

TOBACCO SETTLEMENT ENFORCEMENT 52312

The foregoing appropriation item 055-404, Tobacco Settlement 52313  
Enforcement, shall be used by the Attorney General to pay costs 52314  
incurred in the oversight, administration, and enforcement of the 52315  
Tobacco Master Settlement Agreement. 52316

COUNTY SHERIFFS' PAY SUPPLEMENT 52317

The foregoing appropriation item 055-411, County Sheriffs' 52318  
Pay Supplement, shall be used for the purpose of supplementing the 52319  
annual compensation of county sheriffs as required by section 52320  
325.06 of the Revised Code. 52321

At the request of the Attorney General, the Director of 52322  
Budget and Management may transfer appropriation authority from 52323  
appropriation item 055-321, Operating Expenses, to appropriation 52324  
item 055-411, County Sheriffs' Pay Supplement. Any appropriation 52325  
authority so transferred to appropriation item 055-411, County 52326  
Sheriffs' Pay Supplement, shall be used to supplement the annual 52327  
compensation of county sheriffs as required by section 325.06 of 52328  
the Revised Code. 52329

COUNTY PROSECUTORS' PAY SUPPLEMENT 52330

The foregoing appropriation item 055-415, County Prosecutors' 52331  
Pay Supplement, shall be used for the purpose of supplementing the 52332  
annual compensation of certain county prosecutors as required by 52333  
section 325.111 of the Revised Code. 52334

At the request of the Attorney General, the Director of 52335  
Budget and Management may transfer appropriation authority from 52336  
appropriation item 055-321, Operating Expenses, to appropriation 52337  
item 055-415, County Prosecutors' Pay Supplement. Any 52338  
appropriation authority so transferred to appropriation item 52339

055-415, County Prosecutors' Pay Supplement, shall be used to 52340  
supplement the annual compensation of county prosecutors as 52341  
required by section 325.111 of the Revised Code. 52342

WORKERS' COMPENSATION SECTION 52343

The Workers' Compensation Section Fund (Fund 195) is entitled 52344  
to receive payments from the Bureau of Workers' Compensation and 52345  
the Ohio Industrial Commission at the beginning of each quarter of 52346  
each fiscal year to fund legal services to be provided to the 52347  
Bureau of Workers' Compensation and the Ohio Industrial Commission 52348  
during the ensuing quarter. The advance payment shall be subject 52349  
to adjustment. 52350

In addition, the Bureau of Workers' Compensation shall 52351  
transfer payments at the beginning of each quarter for the support 52352  
of the Workers' Compensation Fraud Unit. 52353

All amounts shall be mutually agreed upon by the Attorney 52354  
General, the Bureau of Workers' Compensation, and the Ohio 52355  
Industrial Commission. 52356

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 52357

The foregoing appropriation item 055-636, Corrupt Activity 52358  
Investigation and Prosecution, shall be used as provided by 52359  
division (D)(2) of section 2923.35 of the Revised Code to dispose 52360  
of the proceeds, fines, and penalties credited to the Corrupt 52361  
Activity Investigation and Prosecution Fund, which is created in 52362  
division (D)(1)(b) of section 2923.35 of the Revised Code. 52363

GENERAL HOLDING ACCOUNT 52364

The foregoing appropriation item 055-631, General Holding 52365  
Account, shall be used to distribute moneys under the terms of 52366  
relevant court orders received from settlements in a variety of 52367  
cases involving the Office of the Attorney General. 52368

ATTORNEY GENERAL PASS-THROUGH FUNDS 52369

The foregoing appropriation item 055-638, Attorney General Pass-Through Funds, shall be used to receive federal grant funds provided to the Attorney General by other state agencies, including, but not limited to, the Department of Youth Services and the Department of Public Safety.

ANTITRUST SETTLEMENTS

The foregoing appropriation item 055-632, Antitrust Settlements, shall be used to distribute court-ordered antitrust settlements in which the Office of Attorney General represents the state or a political subdivision under section 109.81 of the Revised Code.

CONSUMER FRAUDS

The foregoing appropriation item 055-630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055-601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force.

FUND ADJUSTMENTS

On July 1, 2007, or as soon as practicable thereafter, the Director of Budget and Management shall transfer the cash balance in the Employment Services Fund (Fund 107) to the General

Reimbursement Fund (Fund 106). The Director shall cancel any 52400  
existing encumbrances against appropriation item 055-624, 52401  
Employment Services, and re-establish them against appropriation 52402  
item 055-612, General Reimbursement. The amounts of the 52403  
re-established encumbrances are hereby appropriated. Upon 52404  
completion of these transfers, the Employment Services Fund (Fund 52405  
107) is hereby abolished. 52406

On July 1, 2007, or as soon as practicable thereafter, the 52407  
Director of Budget and Management shall transfer the cash balance 52408  
in the Crime Victims Compensation Fund (Fund 108) to the 52409  
Reparations Fund (Fund 402). Upon completion of this transfer, the 52410  
Crime Victims Compensation Fund (Fund 108) is hereby abolished. 52411

**Section 229.10. AUD AUDITOR OF STATE** 52412

General Revenue Fund 52413

GRF 070-321 Operating Expenses	\$	31,469,552	\$	32,771,482	52414
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GRF 070-403 Fiscal Watch/Emergency	\$	600,000	\$	600,000	52415
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Technical Assistance

TOTAL GRF General Revenue Fund	\$	32,069,552	\$	33,371,482	52416
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Auditor of State Fund Group 52417

109 070-601 Public Audit Expense -	\$	11,000,000	\$	11,000,000	52418
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Intra-State

422 070-601 Public Audit Expense -	\$	33,000,000	\$	34,000,000	52419
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Local Government

584 070-603 Training Program	\$	181,250	\$	181,250	52420
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675 070-605 Uniform Accounting	\$	3,317,336	\$	3,317,336	52421
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Network

TOTAL AUD Auditor of State Fund 52422

Group	\$	47,498,586	\$	48,498,586	52423
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TOTAL ALL BUDGET FUND GROUPS	\$	79,568,138	\$	81,870,068	52424
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FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 52425

The foregoing appropriation item 070-403, Fiscal Watch/Emergency Technical Assistance, shall be used for expenses incurred by the Office of the Auditor of State in its role relating to fiscal watch or fiscal emergency activities under Chapters 118. and 3316. of the Revised Code. Expenses include, but are not limited to, the following: duties related to the determination or termination of fiscal watch or fiscal emergency of municipal corporations, counties, or townships as outlined in Chapter 118. of the Revised Code and of school districts as outlined in Chapter 3316. of the Revised Code; development of preliminary accounting reports; performance of annual forecasts; provision of performance audits; and supervisory, accounting, or auditing services for the mentioned public entities and school districts. The unencumbered balance of appropriation item 070-403, Fiscal Watch/Emergency Technical Assistance, at the end of fiscal year 2008 is transferred to fiscal year 2009 for use under the same appropriation item.

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND TRANSFER

Upon the request of the Auditor of State, and subject to approval from the Controlling Board, effective July 1, 2007, or as soon thereafter as possible, the Director of Budget and Management shall transfer the appropriation balance in GRF appropriation item 070-406, Uniform Accounting Network/Technology Improvements Fund, to GRF appropriation item 070-321, Operating Expenses. The Director shall cancel any existing encumbrances against GRF appropriation item 070-406, Uniform Accounting Network/Technology Improvement Fund, and re-establish them against GRF appropriation item 070-321, Operating Expenses. The amounts of the re-established encumbrances are hereby appropriated.

**Section 231.10.** BRB BOARD OF BARBER EXAMINERS

General Services Fund Group				52457
4K9 877-609 Operating Expenses	\$	608,045	\$ 628,264	52458
TOTAL GSF General Services Fund				52459
Group	\$	608,045	\$ 628,264	52460
TOTAL ALL BUDGET FUND GROUPS	\$	608,045	\$ 628,264	52461
<b>Section 233.10. OBM OFFICE OF BUDGET AND MANAGEMENT</b>				52463
General Revenue Fund				52464
GRF 042-321 Budget Development and	\$	2,026,011	\$ 2,128,284	52465
Implementation				
GRF 042-410 National Association	\$	28,700	\$ 29,561	52466
Dues				
GRF 042-412 Audit of Auditor of	\$	60,460	\$ 60,460	52467
State				
GRF 042-413 Payment Issuance	\$	1,191,802	\$ 1,150,192	52468
GRF 042-416 Medicaid Agency	\$	0	\$ 1,500,000	52469
Transition				
TOTAL GRF General Revenue Fund	\$	3,306,973	\$ 4,868,497	52470
General Services Fund Group				52471
105 042-603 State Accounting and	\$	12,115,134	\$ 12,742,551	52472
Budgeting				
TOTAL GSF General Services Fund	\$	12,115,134	\$ 12,742,551	52473
Group				
Federal Special Revenue Fund Group				52474
3CM 042-606 Medicaid Agency	\$	0	\$ 1,500,000	52475
Transition				
TOTAL FED Federal Special Revenue	\$	0	\$ 1,500,000	52476
Fund Group				
State Special Revenue Fund Group				52477
5N4 042-602 OAKS Project	\$	2,200,725	\$ 2,132,168	52478
Implementation				

TOTAL SSR State Special Revenue	\$	2,200,725	\$	2,132,168	52479
Fund Group					
Agency Fund Group					52480
5EH 042-604 Forgery Recovery	\$	35,000	\$	35,000	52481
TOTAL AGY Agency Fund Group	\$	35,000	\$	35,000	52482
TOTAL ALL BUDGET FUND GROUPS	\$	17,657,832	\$	21,278,216	52483

AUDIT COSTS 52484

Of the foregoing appropriation item 042-603, State Accounting 52485  
and Budgeting, not more than \$435,000 in fiscal year 2008 and 52486  
\$445,000 in fiscal year 2009 shall be used to pay for centralized 52487  
audit costs associated with either Single Audit Schedules or 52488  
financial statements prepared in conformance with generally 52489  
accepted accounting principles for the state. 52490

**Section 233.20. OAKS SUPPORT ORGANIZATION** 52491

The OAKS Support Organization shall operate and maintain the 52492  
financial management module of the state's enterprise resource 52493  
planning system to support the activities of the Office of Budget 52494  
and Management. The OAKS Support Organization shall recover the 52495  
costs to establish and maintain the enterprise resource planning 52496  
system through billings to the Office of Budget and Management. 52497

Effective July 1, 2007, the Office of Budget Management shall 52498  
include the recovery of costs to administer the financial module 52499  
of the OAKS System in the accounting and budgeting services 52500  
payroll rate. These revenues shall be deposited to the credit of 52501  
the Accounting and Budgeting Services Fund (Fund 105). Amounts 52502  
deposited under this section are hereby appropriated to 52503  
appropriation item 042-603, State Accounting and Budgeting. Not 52504  
less than quarterly, the Office of Budget and Management shall 52505  
process the intrastate transfer voucher billings to transfer the 52506  
Accounting and Budgeting Services Fund (Fund 105) to the OAKS 52507  
Support Organization Fund (Fund 5EB), to pay for the OAKS Support 52508



Organization Costs.				52509
TRANSFER BALANCE OF CONTINUOUS RECEIPTS FUND				52510
On or before July 31, 2007, the unencumbered cash balance in				52511
the Continuous Receipts Fund (Fund R06) shall be transferred to				52512
the Forgery Recovery Fund (Fund 5EH).				52513
<b>Section 235.10.</b> CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD				52514
General Revenue Fund				52515
GRF 874-100 Personal Services	\$	1,957,000	\$ 1,957,000	52516
GRF 874-320 Maintenance and	\$	985,837	\$ 980,837	52517
Equipment				
TOTAL GRF General Revenue Fund	\$	2,942,837	\$ 2,937,837	52518
General Services Fund Group				52519
4G5 874-603 Capitol Square	\$	15,000	\$ 15,000	52520
Education Center and				
Arts				
4S7 874-602 Statehouse Gift	\$	650,484	\$ 650,484	52521
Shop/Events				
TOTAL GSF General Services				52522
Fund Group	\$	665,484	\$ 665,484	52523
Underground Parking Garage				52524
208 874-601 Underground Parking	\$	2,706,993	\$ 2,706,993	52525
Garage Operations				
TOTAL UPG Underground Parking				52526
Garage	\$	2,706,993	\$ 2,706,993	52527
TOTAL ALL BUDGET FUND GROUPS	\$	6,315,314	\$ 6,310,314	52528
<b>Section 237.10.</b> SCR STATE BOARD OF CAREER COLLEGES AND				52530
SCHOOLS				52531
General Services Fund Group				52532
4K9 233-601 Operating Expenses	\$	552,300	\$ 572,700	52533

TOTAL GSF General Services Fund	\$	552,300	\$	572,700	52534
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	552,300	\$	572,700	52535
<b>Section 239.10.</b> CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD					52537
General Services Fund Group					52538
4K9 930-609 Operating Expenses	\$	530,864	\$	551,146	52539
TOTAL GSF General Services Fund	\$	530,864	\$	551,146	52540
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	530,864	\$	551,146	52541
<b>Section 241.10.</b> CHR STATE CHIROPRACTIC BOARD					52543
General Services Fund Group					52544
4K9 878-609 Operating Expenses	\$	607,445	\$	621,621	52545
TOTAL GSF General Services Fund	\$	607,445	\$	621,621	52546
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	607,445	\$	621,621	52547
<b>Section 243.10.</b> CIV OHIO CIVIL RIGHTS COMMISSION					52549
General Revenue Fund					52550
GRF 876-321 Operating Expenses	\$	7,097,134	\$	7,097,134	52551
TOTAL GRF General Revenue Fund	\$	7,097,134	\$	7,097,134	52552
Federal Special Revenue Fund Group					52553
334 876-601 Investigations	\$	3,965,507	\$	4,602,185	52554
TOTAL FED Federal Special Revenue					52555
Fund Group	\$	3,965,507	\$	4,602,185	52556
State Special Revenue Fund Group					52557
217 876-604 Operations Support	\$	60,000	\$	60,000	52558
TOTAL SSR State Special					52559
Revenue Fund Group	\$	60,000	\$	60,000	52560
TOTAL ALL BUDGET FUND GROUPS	\$	11,122,641	\$	11,759,319	52561

<b>Section 245.10. COM DEPARTMENT OF COMMERCE</b>				52563
General Revenue Fund				52564
GRF 800-410	Labor and Worker	\$	2,032,396 \$	2,032,396 52565
	Safety			
Total GRF	General Revenue Fund	\$	2,032,396 \$	2,032,396 52566
General Services Fund Group				52567
163 800-620	Division of	\$	4,323,037 \$	4,413,037 52568
	Administration			
163 800-637	Information Technology	\$	6,650,150 \$	6,780,963 52569
5F1 800-635	Small Government Fire	\$	300,000 \$	300,000 52570
	Departments			
543 800-602	Unclaimed	\$	7,880,468 \$	8,049,937 52571
	Funds-Operating			
543 800-625	Unclaimed Funds-Claims	\$	70,000,000 \$	75,000,000 52572
TOTAL GSF General Services Fund				52573
Group		\$	89,153,655 \$	94,543,937 52574
Federal Special Revenue Fund Group				52575
348 800-622	Underground Storage	\$	195,008 \$	195,008 52576
	Tanks			
348 800-624	Leaking Underground	\$	1,850,000 \$	1,850,000 52577
	Storage Tanks			
TOTAL FED Federal Special Revenue				52578
Fund Group		\$	2,045,008 \$	2,045,008 52579
State Special Revenue Fund Group				52580
4B2 800-631	Real Estate Appraisal	\$	35,000 \$	35,000 52581
	Recovery			
4H9 800-608	Cemeteries	\$	273,465 \$	273,465 52582
4X2 800-619	Financial Institutions	\$	2,474,414 \$	2,523,918 52583
5K7 800-621	Penalty Enforcement	\$	50,000 \$	50,000 52584
544 800-612	Banks	\$	6,516,507 \$	6,703,253 52585
545 800-613	Savings Institutions	\$	2,244,370 \$	2,286,616 52586

546 800-610	Fire Marshal	\$	13,104,393	\$	13,579,150	52587
546 800-639	Fire Department Grants	\$	1,647,140	\$	1,647,140	52588
546 800-640	Homeland Security	\$	10,000	\$	10,000	52589
	Grants					
547 800-603	Real Estate	\$	250,000	\$	250,000	52590
	Education/Research					
548 800-611	Real Estate Recovery	\$	50,000	\$	50,000	52591
549 800-614	Real Estate	\$	3,480,038	\$	3,574,171	52592
550 800-617	Securities	\$	4,312,453	\$	4,473,094	52593
552 800-604	Credit Union	\$	3,521,037	\$	3,627,390	52594
553 800-607	Consumer Finance	\$	5,800,445	\$	5,800,445	52595
556 800-615	Industrial Compliance	\$	25,033,908	\$	25,570,011	52596
6A4 800-630	Real Estate	\$	664,006	\$	664,006	52597
	Appraiser-Operating					
653 800-629	UST Registration/Permit	\$	1,512,512	\$	1,467,160	52598
	Fee					
TOTAL SSR State Special Revenue						52599
Fund Group		\$	70,979,688	\$	72,584,819	52600
Liquor Control Fund Group						52601
043 800-601	Merchandising	\$	440,499,979	\$	464,027,015	52602
043 800-627	Liquor Control	\$	15,980,724	\$	16,334,583	52603
	Operating					
043 800-633	Development Assistance	\$	33,678,800	\$	38,616,800	52604
	Debt Service					
043 800-636	Revitalization Debt	\$	12,620,900	\$	15,683,300	52605
	Service					
TOTAL LCF Liquor Control						52606
Fund Group		\$	502,780,403	\$	534,661,698	52607
TOTAL ALL BUDGET FUND GROUPS						52608
SMALL GOVERNMENT FIRE DEPARTMENTS						52609
Notwithstanding section 3737.17 of the Revised Code, the						52610
foregoing appropriation item 800-635, Small Government Fire						52611

Departments, may be used to provide loans to private fire 52612  
departments. 52613

UNCLAIMED FUNDS PAYMENTS 52614

The foregoing appropriation item 800-625, Unclaimed 52615  
Funds-Claims, shall be used to pay claims under section 169.08 of 52616  
the Revised Code. If it is determined that additional amounts are 52617  
necessary, the amounts are hereby appropriated. 52618

UNCLAIMED FUNDS TRANSFERS 52619

Notwithstanding division (A) of section 169.05 of the Revised 52620  
Code, prior to June 30, 2008, and upon the request of the Director 52621  
of Budget and Management, the Director of Commerce shall transfer 52622  
to the General Revenue Fund up to \$29,275,000 of unclaimed funds 52623  
that have been reported by holders of unclaimed funds under 52624  
section 169.05 of the Revised Code, irrespective of the allocation 52625  
of the unclaimed funds under that section. 52626

Notwithstanding division (A) of section 169.05 of the Revised 52627  
Code, prior to June 30, 2009, and upon the request of the Director 52628  
of Budget and Management, the Director of Commerce shall transfer 52629  
to the General Revenue Fund up to \$29,275,000 of unclaimed funds 52630  
that have been reported by holders of unclaimed funds under 52631  
section 169.05 of the Revised Code, irrespective of the allocation 52632  
of the unclaimed funds under that section. 52633

CASH TRANSFER TO GENERAL REVENUE FUND 52634

Notwithstanding any other law to the contrary, the Director 52635  
of Budget and Management shall transfer up to \$5,700,000 in cash 52636  
in fiscal year 2008 and up to \$5,800,000 in cash in fiscal year 52637  
2009 from the State Fire Marshal Fund (Fund 546) to the General 52638  
Revenue Fund. 52639

FIRE DEPARTMENT GRANTS 52640

Of the foregoing appropriation item 800-639, Fire Department 52641

Grants, up to \$760,000 in each fiscal year shall be used to make 52642  
annual grants to volunteer fire departments of up to \$10,000, or 52643  
up to \$25,000 if the volunteer fire department provides service 52644  
for an area affected by a natural disaster. The grant program 52645  
shall be administered by the Fire Marshal under the Department of 52646  
Commerce. The Fire Marshal shall adopt rules as are necessary for 52647  
the administration and operation of the grant program. 52648

Of the foregoing appropriation item 800-639, Fire Department 52649  
Grants, up to \$687,140 in each fiscal year shall be used as full 52650  
or partial reimbursement to local units of government and fire 52651  
departments for the cost of firefighter training and equipment or 52652  
gear. Under rules that the department shall adopt, a local unit of 52653  
government or fire department may apply to the department for a 52654  
grant to cover all documented costs that are incurred to provide 52655  
firefighter training and equipment or gear. The department shall 52656  
make grants within the limits of the funding provided, with 52657  
priority given to fire departments that serve small villages and 52658  
townships. 52659

Of the foregoing appropriation item 800-639, Fire Department 52660  
Grants, up to \$200,000 in each fiscal year shall be used to make 52661  
grants to fire departments to assist in the conversion of existing 52662  
data systems to the NFIRS 5 electronic fire reporting system. 52663  
Under rules that the department shall adopt, awards shall have a 52664  
maximum of \$50,000 per fire department and shall be based on a 52665  
point system that includes factors such as consideration of the 52666  
fire department's information technology and operating budgets, 52667  
population and area served, number of incidents, data conversion 52668  
and implementation methods, and readiness. 52669

CASH TRANSFER TO REAL ESTATE OPERATING FUND 52670

At the request of the Director of Commerce, the Director of 52671  
Budget and Management may transfer up to \$100,000 in cash from the 52672  
Real Estate Recovery Fund (Fund 548) and up to \$350,000 in cash 52673

from the Real Estate Appraiser Recovery Fund (Fund 4B2) to the 52674  
Real Estate Operating Fund (Fund 549) during fiscal years 52675  
2008-2009. 52676

INCREASED APPROPRIATION AUTHORITY - MERCHANDISING 52677

The foregoing appropriation item 800-601, Merchandising, 52678  
shall be used under section 4301.12 of the Revised Code. If it is 52679  
determined that additional amounts are necessary, the amounts are 52680  
hereby appropriated. 52681

DEVELOPMENT ASSISTANCE DEBT SERVICE 52682

The foregoing appropriation item 800-633, Development 52683  
Assistance Debt Service, shall be used to pay debt service and 52684  
related financing costs at the times they are required to be made 52685  
during the period from July 1, 2007, to June 30, 2009, for bond 52686  
service charges on obligations issued under Chapter 166. of the 52687  
Revised Code. If it is determined that additional appropriations 52688  
are necessary for this purpose, such amounts are hereby 52689  
appropriated, subject to the limitations set forth in section 52690  
166.11 of the Revised Code. An appropriation for this purpose is 52691  
not required, but is made in this form and in this act for record 52692  
purposes only. 52693

REVITALIZATION DEBT SERVICE 52694

The foregoing appropriation item 800-636, Revitalization Debt 52695  
Service, shall be used to pay debt service and related financing 52696  
costs under sections 151.01 and 151.40 of the Revised Code during 52697  
the period from July 1, 2007, to June 30, 2009. If it is 52698  
determined that additional appropriations are necessary for this 52699  
purpose, such amounts are hereby appropriated. The General 52700  
Assembly acknowledges the priority of the pledge of a portion of 52701  
receipts from that source to obligations issued and to be issued 52702  
under Chapter 166. of the Revised Code. 52703

ADMINISTRATIVE ASSESSMENTS 52704

Notwithstanding any other provision of law to the contrary, 52705  
Fund 163, Division of Administration, is entitled to receive 52706  
assessments from all operating funds of the department in 52707  
accordance with procedures prescribed by the Director of Commerce 52708  
and approved by the Director of Budget and Management. 52709

**Section 247.10. OCC OFFICE OF CONSUMERS' COUNSEL** 52710

General Services Fund Group 52711

5F5 053-601 Operating Expenses \$ 8,498,070 \$ 8,498,070 52712

TOTAL GSF General Services Fund \$ 8,498,070 \$ 8,498,070 52713

Group

TOTAL ALL BUDGET FUND GROUPS \$ 8,498,070 \$ 8,498,070 52714

**Section 249.10. CEB CONTROLLING BOARD** 52716

General Revenue Fund 52717

GRF 911-404 Mandate Assistance \$ 650,000 \$ 650,000 52718

GRF 911-441 Ballot Advertising \$ 300,000 \$ 300,000 52719

Costs

TOTAL GRF General Revenue Fund \$ 950,000 \$ 950,000 52720

TOTAL ALL BUDGET FUND GROUPS \$ 950,000 \$ 950,000 52721

**BUDGET STABILIZATION FUND TRANSFERS TO THE EMERGENCY** 52722

**PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM** 52723

Notwithstanding any other provision of law to the contrary, 52724  
the Director of Budget and Management may, with Controlling Board 52725  
approval, transfer up to \$4,000,000 in cash, in each of fiscal 52726  
years 2008 and 2009, from the Budget Stabilization Fund to the 52727  
General Revenue Fund. Upon completion of the transfer, the 52728  
Director of Budget and Management shall appropriate the 52729  
transferred amount to appropriation item 911-401, Emergency 52730  
Purposes/Contingencies. The Controlling Board may, at the request 52731  
of any state agency or the Director of Budget and Management, 52732  
transfer all or part of the appropriation in appropriation item 52733



911-401, Emergency Purposes/Contingencies, for the purpose of 52734  
providing disaster and emergency situation aid to state agencies 52735  
and political subdivisions in the event of disasters and emergency 52736  
situations or for the other purposes noted in this section, 52737  
including, but not limited to, costs related to the disturbance 52738  
that occurred on April 11, 1993, at the Southern Ohio Correctional 52739  
Facility in Lucasville, Ohio. 52740

FEDERAL SHARE 52741

In transferring appropriations to or from appropriation items 52742  
that have federal shares identified in this act, the Controlling 52743  
Board shall add or subtract corresponding amounts of federal 52744  
matching funds at the percentages indicated by the state and 52745  
federal division of the appropriations in this act. Such changes 52746  
are hereby appropriated. 52747

DISASTER ASSISTANCE 52748

Pursuant to requests submitted by the Department of Public 52749  
Safety, the Controlling Board may approve transfers from 52750  
appropriation item 911-401, Emergency Purposes/Contingencies, to 52751  
Department of Public Safety appropriation items to provide funding 52752  
for assistance to political subdivisions and individuals made 52753  
necessary by natural disasters or emergencies. Such transfers may 52754  
be requested and approved prior to or following the occurrence of 52755  
any specific natural disasters or emergencies in order to 52756  
facilitate the provision of timely assistance. 52757

DISASTER SERVICES 52758

Pursuant to requests submitted by the Department of Public 52759  
Safety, the Controlling Board may approve transfers from the 52760  
Disaster Services Fund (5E2) to a Department of Public Safety fund 52761  
and appropriation item to provide for assistance to political 52762  
subdivisions made necessary by natural disasters or emergencies. 52763  
These transfers may be requested and approved prior to the 52764

occurrence of any specific natural disasters or emergencies in 52765  
order to facilitate the provision of timely assistance. The 52766  
Emergency Management Agency of the Department of Public Safety 52767  
shall use the funding to fund the State Disaster Relief Program 52768  
for disasters that have been declared by the Governor, and the 52769  
State Individual Assistance Program for disasters that have been 52770  
declared by the Governor and the federal Small Business 52771  
Administration. The Ohio Emergency Management Agency shall publish 52772  
and make available application packets outlining procedures for 52773  
the State Disaster Relief Program and the State Individual 52774  
Assistance Program. 52775

The Disaster Services Fund (5E2) shall be used by the 52776  
Controlling Board, pursuant to requests submitted by state 52777  
agencies, to transfer cash and appropriation authority to any fund 52778  
and appropriation item for the payment of state agency disaster 52779  
relief program expenses for disasters declared by the Governor, if 52780  
the Director of Budget and Management determines that sufficient 52781  
funds exist. 52782

The unencumbered balance of the Disaster Services Fund (5E2) 52783  
at the end of fiscal year 2008 is transferred to fiscal year 2009 52784  
for use for the same purposes as in fiscal year 2009. 52785

SOUTHERN OHIO CORRECTIONAL FACILITY COST 52786

The Division of Criminal Justice Services in the Department 52787  
of Public Safety and the Public Defender Commission may each 52788  
request, upon approval of the Director of Budget and Management, 52789  
additional funds from appropriation item 911-401, Emergency 52790  
Purposes/Contingencies, for costs related to the disturbance that 52791  
occurred on April 11, 1993, at the Southern Ohio Correctional 52792  
Facility in Lucasville, Ohio. 52793

MANDATE ASSISTANCE 52794

(A) The foregoing appropriation item 911-404, Mandate 52795

Assistance, shall be used to provide financial assistance to local units of government and school districts for the cost of the following two unfunded state mandates:

(1) The cost to county prosecutors for prosecuting certain felonies that occur on the grounds of state institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services;

(2) The cost to school districts of in-service training for child abuse detection.

(B) The Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may prepare and submit to the Controlling Board one or more requests to transfer appropriations from appropriation item 911-404, Mandate Assistance. The state agencies charged with this administrative responsibility are listed below, as well as the estimated annual amounts that may be used for each program of state financial assistance.

	ADMINISTERING	ESTIMATED ANNUAL	
PROGRAM	AGENCY	AMOUNT	
Prosecution Costs	Division of Criminal Justice Services	\$150,000	
Child Abuse Detection Training Costs	Department of Education	\$500,000	

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may request from the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the Division of Criminal Justice Services in the Department of

Public Safety and the Department of Education, the Controlling Board may transfer appropriations received by a state agency under this section back to appropriation item 911-404, Mandate Assistance, or to the other program of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government and school districts under each of the two programs of state financial assistance identified in this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of government and school districts.

(F) Each of these programs of state financial assistance shall be carried out as follows:

(1) PROSECUTION COSTS

(a) Appropriations may be transferred to the Division of Criminal Justice Services in the Department of Public Safety to cover local prosecution costs for aggravated murder, murder, 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 counties to receive grants from those counties that have submitted one or more applications in compliance with the rules that have been adopted by the Division of Criminal Justice Services for the receipt of such grants. In each year's first round of grant awards, if sufficient appropriations have been made, up to a total of \$100,000 may be awarded. In each year's second round of grant awards, the remaining appropriations available for this purpose may be awarded.

(d) If for a given round of grants there are insufficient appropriations to make grant awards to all the eligible counties, the first priority shall be given to counties with cases involving aggravated murder and murder; second priority shall be given to counties with cases involving a felony of the first degree; and third priority shall be given to counties with cases involving a felony of the second degree. Within these priorities, the grant awards shall be based on the order in which the applications were received, except that applications for cases involving a felony of the first or second degree shall not be considered in more than two consecutive rounds of grant awards.

(2) CHILD ABUSE DETECTION TRAINING COSTS

Appropriations may be transferred to the Department of Education for disbursement to local school districts as full or partial reimbursement for the cost of providing in-service training for child abuse detection. In accordance with rules that the department shall adopt, a local school district may apply to the department for a grant to cover all documented costs that are

incurred to provide in-service training for child abuse detection. 52889  
The department shall make grants within the limits of the funding 52890  
provided. 52891

(G) Any moneys allocated within appropriation item 911-404, 52892  
Mandate Assistance, not fully utilized may, upon application of 52893  
the Ohio Public Defender Commission, and with the approval of the 52894  
Controlling Board, be disbursed to boards of county commissioners 52895  
to provide additional reimbursement for the costs incurred by 52896  
counties in providing defense to indigent defendants pursuant to 52897  
Chapter 120. of the Revised Code. Application for the unutilized 52898  
funds shall be made by the Ohio Public Defender Commission at the 52899  
first June meeting of the Controlling Board. 52900

The amount to be disbursed to each county shall be allocated 52901  
proportionately on the basis of the total amount of reimbursement 52902  
paid to each county as a percentage of the amount of reimbursement 52903  
paid to all of the counties during the most recent state fiscal 52904  
year for which data is available and as calculated by the Ohio 52905  
Public Defender Commission. 52906

BALLOT ADVERTISING COSTS 52907

Pursuant to requests submitted by the Ohio Ballot Board, the 52908  
Controlling Board shall approve transfers from the foregoing 52909  
appropriation item 911-441, Ballot Advertising Costs, to an Ohio 52910  
Ballot Board appropriation item in order to reimburse county 52911  
boards of elections for the cost of public notices associated with 52912  
statewide ballot initiatives. 52913

**Section 251.10.** COS STATE BOARD OF COSMETOLOGY 52914

General Services Fund Group 52915  
4K9 879-609 Operating Expenses \$ 3,533,679 \$ 3,533,679 52916  
TOTAL GSF General Services Fund 52917  
Group \$ 3,533,679 \$ 3,533,679 52918

TOTAL ALL BUDGET FUND GROUPS	\$	3,533,679	\$	3,533,679	52919
<b>Section 253.10.</b> CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE					52921
AND FAMILY THERAPIST BOARD					52922
General Services Fund Group					52923
4K9 899-609 Operating Expenses	\$	1,124,267	\$	1,179,774	52924
TOTAL GSF General Services Fund					52925
Group	\$	1,124,267	\$	1,179,774	52926
TOTAL ALL BUDGET FUND GROUPS	\$	1,124,267	\$	1,179,774	52927
<b>Section 255.10.</b> CLA COURT OF CLAIMS					52929
General Revenue Fund					52930
GRF 015-321 Operating Expenses	\$	2,758,681	\$	2,841,441	52931
TOTAL GRF General Revenue Fund	\$	2,758,681	\$	2,841,441	52932
State Special Revenue Fund Group					52933
5K2 015-603 CLA Victims of Crime	\$	1,582,684	\$	1,582,684	52934
TOTAL SSR State Special Revenue					52935
Fund Group	\$	1,582,684	\$	1,582,684	52936
TOTAL ALL BUDGET FUND GROUPS	\$	4,341,365	\$	4,424,125	52937
<b>Section 257.10.</b> AFC OHIO CULTURAL FACILITIES COMMISSION					52939
General Revenue Fund					52940
GRF 371-321 Operating Expenses	\$	176,136	\$	176,136	52941
GRF 371-401 Lease Rental Payments	\$	36,604,600	\$	37,455,500	52942
TOTAL GRF General Revenue Fund	\$	36,780,736	\$	37,631,636	52943
State Special Revenue Fund Group					52944
4T8 371-601 Riffe Theatre	\$	81,000	\$	81,000	52945
Equipment Maintenance					
4T8 371-603 Project Administration	\$	983,295	\$	983,295	52946
Services					
TOTAL SSR State Special Revenue	\$	1,064,295	\$	1,064,295	52947
Group					

TOTAL ALL BUDGET FUND GROUPS	\$	37,845,031	\$	38,695,931	52948
LEASE RENTAL PAYMENTS					52949
The foregoing appropriation item 371-401, Lease Rental					52950
Payments, shall be used to meet all payments from the Ohio					52951
Cultural Facilities Commissions to the Treasurer of State during					52952
the period from July 1, 2007, to June 30, 2009, under the primary					52953
leases and agreements for those arts and sports facilities made					52954
under Chapters 152. and 154. of the Revised Code. This					52955
appropriation is the source of funds pledged for bond service					52956
charges on related obligations issued pursuant to Chapters 152.					52957
and 154. of the Revised Code.					52958
OPERATING EXPENSES					52959
The foregoing appropriation item 371-321, Operating Expenses,					52960
shall be used by the Ohio Cultural Facilities Commission to carry					52961
out its responsibilities under this section and Chapter 3383. of					52962
the Revised Code.					52963
By July 10, 2007, or as soon as possible thereafter, the					52964
Director of Budget and Management shall determine the amount of					52965
cash from interest earnings to be transferred from the Cultural					52966
and Sports Facilities Building Fund (Fund 030) to the Cultural					52967
Facilities Commission Administration Fund (Fund 4T8).					52968
By July 10, 2008, or as soon as possible thereafter, the					52969
Director of Budget and Management shall determine the amount of					52970
cash from interest earnings to be transferred from the Cultural					52971
and Sports Facilities Building Fund (Fund 030) to the Cultural					52972
Facilities Commission Administration Fund (Fund 4T8).					52973
As soon as possible after each bond issuance made on behalf					52974
of the Cultural Facilities Commission, the Director of Budget and					52975
Management shall determine the amount of cash from any premium					52976
paid on each issuance that is available to be transferred after					52977
all issuance costs have been paid from the Cultural and Sports					52978



Facilities Building Fund (Fund 030) to the Cultural Facilities 52979  
 Commission Administration Fund (Fund 4T8). 52980

**Section 259.10. DEN STATE DENTAL BOARD 52981**

General Services Fund Group 52982  
 4K9 880-609 Operating Expenses \$ 1,437,392 \$ 1,528,749 52983  
 TOTAL GSF General Services Fund 52984  
 Group \$ 1,437,392 \$ 1,528,749 52985  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,437,392 \$ 1,528,749 52986

**Section 261.10. BDP BOARD OF DEPOSIT 52988**

General Services Fund Group 52989  
 4M2 974-601 Board of Deposit \$ 1,676,000 \$ 1,676,000 52990  
 TOTAL GSF General Services Fund 52991  
 Group \$ 1,676,000 \$ 1,676,000 52992  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,676,000 \$ 1,676,000 52993

**BOARD OF DEPOSIT EXPENSE FUND 52994**

Upon receiving certification of expenses from the Treasurer 52995  
 of State, the Director of Budget and Management shall transfer 52996  
 cash from the Investment Earnings Redistribution Fund (Fund 608) 52997  
 to the Board of Deposit Expense Fund (Fund 4M2). The latter fund 52998  
 shall be used to pay for banking charges and fees required for the 52999  
 operation of the State of Ohio Regular Account. 53000

**Section 263.10. DEV DEPARTMENT OF DEVELOPMENT 53001**

General Revenue Fund 53002  
 GRF 195-401 Thomas Edison Program \$ 19,454,838 \$ 17,978,483 53003  
 GRF 195-404 Small Business \$ 1,740,722 \$ 1,792,944 53004  
 Development  
 GRF 195-405 Minority Business \$ 1,580,291 \$ 1,627,700 53005  
 Development Division

GRF 195-407	Travel and Tourism	\$	6,782,845	\$	6,762,845	53006
GRF 195-410	Defense Conversion Assistance	\$	5,000,000	\$	0	53007
GRF 195-412	Rapid Outreach Grants	\$	11,750,000	\$	12,102,500	53008
GRF 195-415	Economic Development Division and Regional Offices	\$	5,894,975	\$	6,071,824	53009
GRF 195-416	Governor's Office of Appalachia	\$	4,746,043	\$	4,746,043	53010
GRF 195-422	Third Frontier Action Fund	\$	18,790,000	\$	16,790,000	53011
GRF 195-426	Clean Ohio Implementation	\$	300,000	\$	309,000	53012
GRF 195-432	International Trade	\$	4,650,501	\$	4,650,501	53013
GRF 195-434	Investment in Training Grants	\$	12,227,500	\$	12,594,325	53014
GRF 195-436	Labor/Management Cooperation	\$	836,225	\$	836,225	53015
GRF 195-497	CDBG Operating Match	\$	1,072,184	\$	1,072,184	53016
GRF 195-498	State Match Energy	\$	96,820	\$	96,820	53017
GRF 195-501	Appalachian Local Development Districts	\$	391,482	\$	391,482	53018
GRF 195-502	Appalachian Regional Commission Dues	\$	254,208	\$	254,208	53019
GRF 195-507	Travel and Tourism Grants	\$	750,000	\$	785,000	53020
GRF 195-520	Ohio Main Street Program	\$	250,000	\$	250,000	53021
GRF 195-905	Third Frontier Research & Development General Obligation Debt Service	\$	14,349,500	\$	24,523,400	53022
GRF 195-912	Job Ready Site	\$	4,359,400	\$	8,232,500	53023

Development General					
Obligation Debt					
Service					
TOTAL GRF General Revenue Fund	\$	115,277,534	\$	121,867,984	53024
General Services Fund Group					53025
135 195-684 Supportive Services	\$	11,699,404	\$	11,321,444	53026
5AD 195-667 Investment in Training	\$	2,000,000	\$	0	53027
Expansion					
5AD 195-668 Workforce Guarantee	\$	1,000,000	\$	0	53028
Program					
5AD 195-677 Economic Development	\$	5,000,000	\$	24,400,000	53029
Contingency					
5W5 195-690 Travel and Tourism	\$	350,000	\$	350,000	53030
Cooperative Projects					
5W6 195-691 International Trade	\$	300,000	\$	300,000	53031
Cooperative Projects					
685 195-636 Direct Cost Recovery	\$	800,000	\$	800,000	53032
Expenditures					
TOTAL GSF General Services Fund					53033
Group	\$	21,149,404	\$	37,171,444	53034
Federal Special Revenue Fund Group					53035
3AE 195-643 Workforce Development	\$	5,839,900	\$	5,860,000	53036
Initiatives					
3BJ 195-685 TANF Heating	\$	45,000,000	\$	15,000,000	53037
Assistance					
3K8 195-613 Community Development	\$	65,000,000	\$	65,000,000	53038
Block Grant					
3K9 195-611 Home Energy Assistance	\$	110,000,000	\$	110,000,000	53039
Block Grant					
3K9 195-614 HEAP Weatherization	\$	22,000,000	\$	22,000,000	53040
3L0 195-612 Community Services	\$	25,235,000	\$	25,235,000	53041
Block Grant					

3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000	53042
308	195-602	Appalachian Regional Commission	\$	475,000	\$	475,000	53043
308	195-603	Housing and Urban Development	\$	6,000,000	\$	6,000,000	53044
308	195-605	Federal Projects	\$	27,000,000	\$	27,000,000	53045
308	195-609	Small Business Administration	\$	4,296,381	\$	4,396,381	53046
308	195-618	Energy Federal Grants	\$	3,400,000	\$	3,400,000	53047
335	195-610	Energy Conservation and Emerging Technology	\$	2,200,000	\$	2,200,000	53048
TOTAL FED Federal Special Revenue							53049
Fund Group			\$	356,446,281	\$	326,566,381	53050
State Special Revenue Fund Group							53051
4F2	195-639	State Special Projects	\$	518,393	\$	518,393	53052
4F2	195-676	Marketing Initiatives	\$	5,000,000	\$	1,000,000	53053
4S0	195-630	Tax Incentive Programs	\$	650,800	\$	650,800	53054
4W1	195-646	Minority Business Enterprise Loan	\$	2,580,597	\$	2,580,597	53055
444	195-607	Water and Sewer Commission Loans	\$	523,775	\$	523,775	53056
450	195-624	Minority Business Bonding Program Administration	\$	53,967	\$	53,967	53057
451	195-625	Economic Development Financing Operating	\$	2,483,311	\$	2,483,311	53058
5AR	195-674	Industrial Site Improvements	\$	4,500,000	\$	4,500,000	53059
5CG	195-679	Alternative Fuel Transportation	\$	1,500,000	\$	1,000,000	53060
5DU	195-689	Energy Projects	\$	840,000	\$	840,000	53061
5M4	195-659	Low Income Energy	\$	245,000,000	\$	245,000,000	53062

		Assistance				
5M5	195-660	Advanced Energy	\$	17,000,000	\$	17,000,000 53063
		Programs				
5X1	195-651	Exempt Facility	\$	25,000	\$	25,000 53064
		Inspection				
611	195-631	Water and Sewer	\$	15,713	\$	15,713 53065
		Administration				
617	195-654	Volume Cap	\$	200,000	\$	200,000 53066
		Administration				
646	195-638	Low- and Moderate-	\$	53,000,000	\$	53,000,000 53067
		Income Housing Trust				
		Fund				
TOTAL SSR	State Special Revenue					53068
Fund Group			\$	333,891,556	\$	329,391,556 53069
Facilities Establishment	Fund Group					53070
009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000 53071
010	195-665	Research and	\$	50,000,000	\$	50,000,000 53072
		Development				
037	195-615	Facilities	\$	110,000,000	\$	110,000,000 53073
		Establishment				
4Z6	195-647	Rural Industrial Park	\$	3,000,000	\$	3,000,000 53074
		Loan				
5D2	195-650	Urban Redevelopment	\$	5,475,000	\$	5,475,000 53075
		Loans				
5S8	195-627	Rural Development	\$	3,000,000	\$	3,000,000 53076
		Initiative				
5S9	195-628	Capital Access Loan	\$	3,000,000	\$	3,000,000 53077
		Program				
TOTAL 037	Facilities					53078
Establishment	Fund Group		\$	224,475,000	\$	224,475,000 53079
Clean Ohio	Revitalization Fund					53080
003	195-663	Clean Ohio Operating	\$	625,000	\$	550,000 53081

TOTAL 003 Clean Ohio Revitalization Fund	\$	625,000	\$	550,000	53082
Third Frontier Research & Development Fund Group					53083
011 195-686 Third Frontier Operating	\$	1,932,056	\$	1,932,056	53084
011 195-687 Third Frontier Research & Development Projects	\$	94,000,000	\$	72,000,000	53085
014 195-692 Research & Development Taxable Bond Projects	\$	28,000,000	\$	28,000,000	53086
TOTAL 011 Third Frontier Research & Development Fund Group	\$	123,932,056	\$	101,932,056	53087
Job Ready Site Development Fund Group					53088
012 195-688 Job Ready Site Operating	\$	1,246,155	\$	1,246,155	53089
TOTAL 012 Job Ready Site Development Fund Group	\$	1,246,155	\$	1,246,155	53090
TOTAL ALL BUDGET FUND GROUPS	\$	1,177,042,986	\$	1,143,200,576	53091
<b>Section 263.10.10. THOMAS EDISON PROGRAM</b>					53093
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. The foregoing appropriation item 195-401, Thomas Edison Program, shall not be used for the operating costs of the Department of Development.					53094 53095 53096 53097 53098 53099 53100 53101 53102
Of the foregoing appropriation item 195-401, Thomas Edison Program, \$2,000,000 in fiscal year 2008 shall be used by Project Development, Inc., for technology commercialization.					53103 53104 53105

**Section 263.10.20. SMALL BUSINESS DEVELOPMENT** 53106

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. 53107  
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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 other local economic development activity promoting small business, including the 1st Stop Business Connection, and for the cost of administering the small business development center program. The centers shall provide technical, financial, and management consultation for small business and shall facilitate access to state and federal programs. These funds shall be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Public Law No. 96-302 (1980) as amended by Public Law No. 98-395 (1984), and regulations and policy guidelines for the programs under this law. 53110  
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**MINORITY BUSINESS DEVELOPMENT DIVISION** 53123

Of the foregoing appropriation item 195-405, Minority Business Development Division, up to \$1,060,000 but not less than \$954,000 in each fiscal year shall be used to fund minority contractors and business assistance organizations. The Minority Business Development Division shall determine which cities need minority contractors and business assistance organizations by utilizing United States Census Bureau data and zip codes to locate the highest concentrations of minority businesses. The Minority Business Development Division also shall determine the numbers of minority contractors and business assistance organizations necessary and the amount of funding to be provided each. In addition, the Minority Business Development Division shall continue to plan and implement business conferences. 53124  
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**Section 263.10.30. RAPID OUTREACH GRANTS** 53137

The foregoing appropriation item 195-412, Rapid Outreach 53138  
Grants, shall be used as an incentive for attracting and retaining 53139  
business opportunities for the state. Any such business 53140  
opportunity, whether new, expanding, or relocating in Ohio, is 53141  
eligible for funding. The project must create or retain a 53142  
significant number of jobs for Ohioans. Grant awards may be 53143  
considered only when (1) the project's viability hinges on an 53144  
award of funds from appropriation item 195-412, Rapid Outreach 53145  
Grants; (2) all other public or private sources of financing have 53146  
been considered; or (3) the funds act as a catalyst for the 53147  
infusion into the project of other financing sources. 53148

The department's primary goal shall be to award funds to 53149  
political subdivisions of the state for off-site infrastructure 53150  
improvements. In order to meet the particular needs of economic 53151  
development in a region, the department may elect to award funds 53152  
directly to a business for on-site infrastructure improvements. 53153  
"Infrastructure improvements" mean improvements to water system 53154  
facilities, sewer and sewage treatment facilities, electric or gas 53155  
service facilities, fiber optic facilities, rail facilities, site 53156  
preparation, and parking facilities. The Director of Development 53157  
may recommend the funds be used in an alternative manner when 53158  
considered appropriate to meet an extraordinary economic 53159  
development opportunity or need. 53160

The foregoing appropriation item 195-412, Rapid Outreach 53161  
Grants, may be expended only after the submission of a request to 53162  
the Controlling Board by the Department of Development outlining 53163  
the planned use of the funds, and the subsequent approval of the 53164  
request by the Controlling Board. 53165

The foregoing appropriation item 195-412, Rapid Outreach 53166  
Grants, may be used for, but is not limited to, construction, 53167



rehabilitation, and acquisition projects for rail freight 53168  
assistance as requested by the Department of Transportation. The 53169  
Director of Transportation shall submit the proposed projects to 53170  
the Director of Development for an evaluation of potential 53171  
economic benefit. 53172

**Section 263.10.40. ECONOMIC DEVELOPMENT DIVISION AND REGIONAL 53173**  
OFFICES 53174

The foregoing appropriation item 195-415, Economic 53175  
Development Division and Regional Offices, shall be used for the 53176  
operating expenses of the Economic Development Division and the 53177  
regional economic development offices and for grants for 53178  
cooperative economic development ventures. 53179

**Section 263.10.50. GOVERNOR'S OFFICE OF APPALACHIA 53180**

The foregoing appropriation item 195-416, Governor's Office 53181  
of Appalachia, shall be used for the administrative costs of 53182  
planning and liaison activities for the Governor's Office of 53183  
Appalachia, and to provide financial assistance to projects in 53184  
Ohio's Appalachian counties. 53185

Of the foregoing appropriation item 195-416, Governor's 53186  
Office of Appalachia, up to \$250,000 each fiscal year shall be 53187  
used to match federal funds from the Appalachian Regional 53188  
Commission to provide job training to impact the Appalachian 53189  
Region. 53190

Of the foregoing appropriation item 195-416, Governor's 53191  
Office of Appalachia, up to \$4,246,043 in each fiscal year shall 53192  
be used in conjunction with other federal and state funds to 53193  
provide financial assistance to projects in Ohio's Appalachian 53194  
counties in order to further the goals of the Appalachian Regional 53195  
Commission. The projects and project sponsors shall meet 53196  
Appalachian Regional Commission eligibility requirements. Grants 53197

shall be administered by the Department of Development. 53198

**Section 263.10.60. THIRD FRONTIER ACTION FUND** 53199

The foregoing appropriation item 195-422, Third Frontier 53200  
Action Fund, shall be used to make grants under sections 184.01 53201  
and 184.02 of the Revised Code. Prior to the release of funds from 53202  
appropriation item 195-422, Third Frontier Action Fund, each grant 53203  
award shall be recommended for funding by the Third Frontier 53204  
Commission and obtain approval from the Controlling Board. 53205

Of the foregoing appropriation item 195-422, Third Frontier 53206  
Action Fund, not more than six per cent in each fiscal year shall 53207  
be used for operating expenditures in administering the program. 53208

In addition to the six per cent for operating expenditures, 53209  
an additional administrative amount, not to exceed \$1,500,000 53210  
within the biennium, shall be available for proposal evaluation, 53211  
research and analyses, and marketing efforts considered necessary 53212  
to receive and disseminate information about science and 53213  
technology-related opportunities in the state. 53214

Of the foregoing appropriation item 195-422, Third Frontier 53215  
Action Fund, \$2,000,000 in fiscal year 2008 shall be used by 53216  
Project Development, Inc., for business and job creation resulting 53217  
from Third Frontier investments. 53218

**SCIENCE AND TECHNOLOGY COLLABORATION** 53219

The Department of Development shall work in close 53220  
collaboration with the Board of Regents, the Air Quality 53221  
Development Authority, and the Third Frontier Commission in 53222  
relation to appropriation items and programs referred to as 53223  
Alignment Programs in the following paragraph, and other 53224  
technology-related appropriations and programs in the Department 53225  
of Development, Air Quality Development Authority, and the Board 53226  
of Regents as these agencies may designate, to ensure 53227

implementation of a coherent state strategy with respect to 53228  
science and technology. 53229

"Alignment Programs" means appropriation items 195-401, 53230  
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 53231  
Third Frontier Action Fund; 898-604, Coal Research and Development 53232  
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 53233  
Institute of Technology; 235-510, Ohio Supercomputer Center; 53234  
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 53235  
235-535, Ohio Agricultural Research and Development Center; 53236  
235-553, Dayton Area Graduate Studies Institute; 235-554, 53237  
Priorities in Collaborative Graduate Education; 235-556, Ohio 53238  
Academic Resources Network; 195-435, Biomedical Research and 53239  
Technology Transfer Trust; 195-687, Third Frontier Research & 53240  
Development Projects; CAP-068, Third Frontier Project; and 53241  
195-692, Research & Development Taxable Bond Projects. 53242

Consistent with the recommendations of the Governor's 53243  
Commission on Higher Education and the Economy, Alignment Programs 53244  
shall be managed and administered in accordance with the following 53245  
objectives: (1) to build on existing competitive research 53246  
strengths; (2) to encourage new and emerging discoveries and 53247  
commercialization of products and ideas that will benefit the Ohio 53248  
economy; and (3) to assure improved collaboration among Alignment 53249  
Programs with programs administered by the Third Frontier 53250  
Commission and with other state programs that are intended to 53251  
improve economic growth and job creation. As directed by the Third 53252  
Frontier Commission, Alignment Program managers shall report to 53253  
the Commission or the Third Frontier Advisory Board regarding the 53254  
contributions of their programs to achieving these objectives. 53255

Each Alignment Program shall be reviewed annually by the 53256  
Third Frontier Commission with respect to its development of 53257  
complementary relationships within a combined state science and 53258  
technology investment portfolio, and with respect to its overall 53259

contribution to the state's science and technology strategy, 53260  
including the adoption of appropriately consistent criteria for: 53261  
(1) the scientific merit of activities supported by the program; 53262  
(2) the relevance of the program's activities to commercial 53263  
opportunities in the private sector; (3) the private sector's 53264  
involvement in a process that continually evaluates commercial 53265  
opportunities to use the work supported by the program; and (4) 53266  
the ability of the program and recipients of grant funding from 53267  
the program to engage in activities that are collaborative, 53268  
complementary, and efficient with respect to the expenditures of 53269  
state funds. Each Alignment Program shall provide an annual report 53270  
to the Third Frontier Commission that discusses existing, planned, 53271  
or possible collaborations between programs and between recipients 53272  
of grant funding related to technology, development, 53273  
commercialization, and the support of Ohio's economic development. 53274  
The annual review conducted by the Third Frontier Commission shall 53275  
be a comprehensive review of the entire state science and 53276  
technology program portfolio rather than a review of individual 53277  
programs. 53278

Applicants for Third Frontier and Alignment Programs funding 53279  
shall identify their requirements for high-performance computing 53280  
facilities and services, including both hardware and software, in 53281  
all proposals. If an applicant's requirements exceed approximately 53282  
\$100,000 for a proposal, the Ohio Supercomputer Center shall 53283  
convene a panel of experts. The panel shall review the proposal to 53284  
determine whether the proposal's requirements can be met through 53285  
Ohio Supercomputer Center facilities or through other means and 53286  
report such information to the Third Frontier Commission. 53287

To ensure that the state receives the maximum benefit from 53288  
its investment in the Third Frontier Project and the Third 53289  
Frontier Network, organizations receiving Third Frontier awards 53290  
and Alignment Programs awards shall, as appropriate, be expected 53291

to have a connection to the Third Frontier Network that enables 53292  
them and their collaborators to achieve award objectives through 53293  
the Third Frontier Network. 53294

**Section 263.10.70. INTERNATIONAL TRADE** 53295

The foregoing appropriation item 195-432, International 53296  
Trade, shall be used to operate and to maintain Ohio's 53297  
out-of-state trade offices. 53298

The Director of Development may enter into contracts with 53299  
foreign nationals to staff foreign offices. The contracts may be 53300  
paid in local currency or United States currency and shall be 53301  
exempt from section 127.16 of the Revised Code. The director also 53302  
may establish foreign currency accounts under section 122.05 of 53303  
the Revised Code for the payment of expenses related to the 53304  
operation and maintenance of the foreign trade offices. 53305

The foregoing appropriation item 195-432, International 53306  
Trade, shall be used to fund the International Trade Division and 53307  
to assist Ohio manufacturers and agricultural producers in 53308  
exporting to foreign countries in conjunction with the Department 53309  
of Agriculture. 53310

Of the foregoing appropriation item 195-432, International 53311  
Trade, up to \$35,000 may be used to purchase gifts for 53312  
representatives of foreign governments or dignitaries of foreign 53313  
countries. 53314

**Section 263.10.80. OHIO INVESTMENT IN TRAINING PROGRAM** 53315

The foregoing appropriation items 195-434, Investment in 53316  
Training Grants, and 195-667, Investment in Training Expansion, 53317  
shall be used to promote training through grants for the 53318  
reimbursement of eligible training expenses. The release of grants 53319  
for this purpose shall be subject to Controlling Board approval. 53320

**Section 263.10.90.** CDBG OPERATING MATCH 53321

The foregoing appropriation item 195-497, CDBG Operating 53322  
Match, shall be used to provide matching funds as requested by the 53323  
United States Department of Housing and Urban Development to 53324  
administer the federally funded Community Development Block Grant 53325  
(CDBG) program. 53326

STATE OPERATING MATCH 53327

The foregoing appropriation item 195-498, State Match Energy, 53328  
shall be used to provide matching funds as required by the United 53329  
States Department of Energy to administer the federally funded 53330  
State Energy Plan. 53331

**Section 263.10.95.** DEFENSE CONVERSION ASSISTANCE 53332

Of the foregoing appropriation item 195-410, Defense 53333  
Conversion Assistance, \$5,000,000 in fiscal year 2008 shall be 53334  
used as a state match to federal dollars for the relocation of 53335  
jobs at Wright-Patterson Air Force Base and vicinity as a result 53336  
of job losses from the base realignment and closure process. 53337

**Section 263.20.10.** TRAVEL AND TOURISM GRANTS 53338

The foregoing appropriation item 195-507, Travel and Tourism 53339  
Grants, shall be used to provide grants to local organizations to 53340  
support various local travel and tourism events in Ohio. 53341

Of the foregoing appropriation item 195-507, Travel and 53342  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 53343  
Cleveland Film Bureau. 53344

Of the foregoing appropriation item 195-507, Travel and 53345  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 53346  
Cincinnati Film Bureau. 53347

Of the foregoing appropriation item 195-507, Travel and 53348

Tourism Grants, \$500,000 in each fiscal year shall be used for 53349  
grants to The International Center for the Preservation of Wild 53350  
Animals. 53351

Of the foregoing appropriation item 195-507, Travel and 53352  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 53353  
Greater Cleveland Sports Commission. 53354

Of the foregoing appropriation item 195-507, Travel and 53355  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 53356  
Greater Columbus Sports Commission. 53357

Of the foregoing appropriation item 195-507, Travel and 53358  
Tourism Grants, \$50,000 in each fiscal year shall be used for the 53359  
Harbor Heritage Society/Great Lakes Science Center in support of 53360  
operations of the Steamship William G. Mather Maritime Museum. 53361

Of the foregoing appropriation item 195-507, Travel and 53362  
Tourism Grants, \$35,000 in fiscal year 2009 shall be used for the 53363  
Ohio Junior Angus Association to assist with costs associated with 53364  
hosting the Eastern Regional Junior Angus Show in June 2009. 53365

**Section 263.20.20. THIRD FRONTIER RESEARCH & DEVELOPMENT** 53366  
**GENERAL OBLIGATION DEBT SERVICE** 53367

The foregoing appropriation item 195-905, Third Frontier 53368  
Research & Development General Obligation Debt Service, shall be 53369  
used to pay all debt service and related financing costs during 53370  
the period from July 1, 2007, to June 30, 2009, on obligations 53371  
issued for research and development purposes under sections 151.01 53372  
and 151.10 of the Revised Code. 53373

**JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE** 53374

The foregoing appropriation item 195-912, Job Ready Site 53375  
Development General Obligation Debt Service, shall be used to pay 53376  
all debt service and related financing costs during the period 53377  
from July 1, 2007, to June 30, 2009, on obligations issued for job 53378

ready site development purposes under sections 151.01 and 151.11 53379  
of the Revised Code. 53380

**Section 263.20.30. SUPPORTIVE SERVICES** 53381

The Director of Development may assess divisions of the 53382  
department for the cost of central service operations. An 53383  
assessment shall be based on a plan submitted to and approved by 53384  
the Office of Budget and Management by August 1, 2007, and shall 53385  
contain the characteristics of administrative ease and uniform 53386  
application. 53387

A division's payments shall be credited to the Supportive 53388  
Services Fund (Fund 135) using an intrastate transfer voucher. 53389

Of the foregoing appropriation item 195-684, Supportive 53390  
Services, \$50,000 in fiscal year 2008 and \$35,000 in fiscal year 53391  
2009 shall be used for Crawford County to hire an employee to act 53392  
as a local economic development coordinator. 53393

**WORKFORCE GUARANTEE PROGRAM** 53394

The foregoing appropriation item 195-668, Workforce Guarantee 53395  
Program, shall be used for the Workforce Guarantee Program. 53396

Benefited employers must create at least 20 high-paying, 53397  
full-time jobs over a one-year period and must demonstrate prior 53398  
to the commitment of state funds that the availability of those 53399  
skilled workers is a major factor in the employer's decision to 53400  
locate or expand in Ohio. Customized training activities are 53401  
eligible for funding through the Workforce Guarantee Program. 53402

The Director of Development, under Chapter 119. of the 53403  
Revised Code, shall adopt, and may amend or rescind, rules the 53404  
Director finds necessary for the implementation and successful 53405  
operation of the Workforce Guarantee Program. 53406

**ECONOMIC DEVELOPMENT CONTINGENCY** 53407



Of the foregoing appropriation item 195-677, Economic 53408  
Development Contingency, up to \$19,400,000 shall be used by the 53409  
Third Frontier Commission in fiscal year 2009 for biomedical 53410  
research and technology transfer purposes under sections 184.01 to 53411  
184.03 of the Revised Code. 53412

The foregoing appropriation item 195-677, Economic 53413  
Development Contingency, may be expended only after the Department 53414  
of Development submits and the Controlling Board approves a 53415  
request that outlines the planned use of funds to be expended. 53416

DIRECT COST RECOVERY EXPENDITURES 53417

The foregoing appropriation item 195-636, Direct Cost 53418  
Recovery Expenditures, shall be used for conference and 53419  
subscription fees and other reimbursable costs. Revenues to the 53420  
General Reimbursement Fund (Fund 685) shall consist of fees and 53421  
other moneys charged for conferences, subscriptions, and other 53422  
administrative costs that are not central service costs. 53423

**Section 263.20.40.** HEAP WEATHERIZATION 53424

Fifteen per cent of the federal funds received by the state 53425  
for the Home Energy Assistance Block Grant shall be deposited in 53426  
appropriation item 195-614, HEAP Weatherization (Fund 3K9), and 53427  
shall be used to provide homeweatherization services in the 53428  
state. 53429

STATE SPECIAL PROJECTS 53430

The foregoing fund, Fund 4F2, State Special Projects Fund, 53431  
shall be used for the deposit of private-sector funds from utility 53432  
companies and for the deposit of other miscellaneous state funds. 53433  
Private-sector moneys shall be used to (1) pay the expenses of 53434  
verifying the income-eligibility of HEAP applicants, (2) market 53435  
economic development opportunities in the state, and (3) leverage 53436  
additional federal funds. State funds shall be used to match 53437

federal housing grants for the homeless and to market economic 53438  
development opportunities in the state. 53439

**Section 263.20.50. TAX INCENTIVE PROGRAMS OPERATING** 53440

On July 1, 2007, or as soon thereafter as possible, the 53441  
Director of Budget and Management shall transfer the cash balance 53442  
in the Job Creation Tax Credit Operating Fund (Fund 4S1) to the 53443  
Tax Incentive Programs Operating Fund (Fund 4S0). The Director 53444  
shall cancel any existing encumbrances against appropriation item 53445  
195-634, Job Creation Tax Credit Operating (Fund 4S1), and 53446  
re-establish them against appropriation item 195-630, Tax 53447  
Incentive Programs Operating (Fund 4S0). The amounts of the 53448  
re-established encumbrances are hereby appropriated. 53449

**Section 263.20.60. MINORITY BUSINESS ENTERPRISE LOAN** 53450

All repayments from the Minority Development Financing 53451  
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 53452  
Program shall be deposited in the State Treasury to the credit of 53453  
the Minority Business Enterprise Loan Fund (Fund 4W1). 53454

All operating costs of administering the Minority Business 53455  
Enterprise Loan Fund shall be paid from the Minority Business 53456  
Enterprise Loan Fund (Fund 4WI). 53457

**MINORITY BUSINESS BONDING FUND** 53458

Notwithstanding Chapters 122., 169., and 175. of the Revised 53459  
Code and other provisions of Am. Sub. H.B. 283 of the 123rd 53460  
General Assembly, the Director of Development may, upon the 53461  
recommendation of the Minority Development Financing Advisory 53462  
Board, pledge up to \$10,000,000 in the FY 2008-2009 biennium of 53463  
unclaimed funds administered by the Director of Commerce and 53464  
allocated to the Minority Business Bonding Program under section 53465  
169.05 of the Revised Code. The transfer of any cash by the 53466  
Director of Budget and Management from the Department of 53467

Commerce's Unclaimed Funds Fund (Fund 543) to the Department of 53468  
Development's Minority Business Bonding Fund (Fund 449) shall 53469  
occur, if requested by the Director of Development, only if such 53470  
funds are needed for payment of losses arising from the Minority 53471  
Business Bonding Program, and only after proceeds of the initial 53472  
transfer of \$2,700,000 by the Controlling Board to the Minority 53473  
Business Bonding Program has been used for that purpose. Moneys 53474  
transferred by the Director of Budget and Management from the 53475  
Department of Commerce for this purpose may be moneys in custodial 53476  
funds held by the Treasurer of State. If expenditures are required 53477  
for payment of losses arising from the Minority Business Bonding 53478  
Program, such expenditures shall be made from appropriation item 53479  
195-623, Minority Business Bonding Contingency in the Minority 53480  
Business Bonding Fund, and such amounts are appropriated. 53481

**Section 263.20.70. ECONOMIC DEVELOPMENT FINANCING OPERATING** 53482

The foregoing appropriation item 195-625, Economic 53483  
Development Financing Operating, shall be used for the operating 53484  
expenses of financial assistance programs authorized under Chapter 53485  
166. of the Revised Code and under sections 122.43 and 122.45 of 53486  
the Revised Code. 53487

**ALTERNATIVE FUEL TRANSPORTATION** 53488

The foregoing appropriation item 195-679, Alternative Fuel 53489  
Transportation, shall be used by the Director of Development to 53490  
make grants under the Alternative Fuel Transportation Grant Fund 53491  
Program in accordance with section 122.075 of the Revised Code, 53492  
and for administrative costs associated with the program. 53493

Of the foregoing appropriation item 195-679, Alternative Fuel 53494  
Transportation, up to \$1,000,000 in each fiscal year shall be used 53495  
to encourage retail gas stations to provide E85 and B20 (or 53496  
higher) fuel to customers in accordance with section 122.075 of 53497  
the Revised Code. 53498

LOW INCOME ENERGY ASSISTANCE	53499
The foregoing appropriation item 195-659, Low Income Energy Assistance, shall be used to provide payments to regulated electric utility companies for low-income customers enrolled in Percentage of Income Payment Plan (PIPP) electric accounts, to fund targeted energy efficiency and customer education services to PIPP customers, and to cover the department's administrative costs related to Universal Service Fund Programs. If it is determined that additional appropriations are necessary to provide payments to regulated utility companies for low income customers enrolled in PIPP electric accounts, such appropriations are subject to approval by the Controlling Board upon the submission of a request by the Department of Development.	53500 53501 53502 53503 53504 53505 53506 53507 53508 53509 53510 53511
ADVANCED ENERGY FUND	53512
The foregoing appropriation item 195-660, Advanced Energy Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial and industrial business, local government, educational institution, nonprofit, and agriculture customers, and to pay for the program's administrative costs as provided in the Revised Code and rules adopted by the Director of Development.	53513 53514 53515 53516 53517 53518 53519
Of the foregoing appropriation item 195-660, Advanced Energy Programs, up to \$1,000,000 over the biennium shall be used for methane digester projects.	53520 53521 53522
Of the foregoing appropriation item 195-660, Advanced Energy Programs, up to \$250,000 in each fiscal year shall be used for grants to school districts under section 3327.17 of the Revised Code.	53523 53524 53525 53526
TRANSFER FROM THE ADVANCED ENERGY FUND TO THE INDUSTRIAL SITE IMPROVEMENTS FUND	53527 53528
Notwithstanding Chapters 122. and 4928. of the Revised Code	53529

and any other law to the contrary, the Director of Budget and Management shall transfer \$4,500,000 in cash in fiscal year 2008 and \$4,500,000 in cash in fiscal year 2009 from the Advanced Energy Fund (Fund 5M5) to the Industrial Site Improvements Fund (Fund 5AR).

Moneys in Fund 5AR, Industrial Site Improvements, shall be used by the Director of Development to make grants to eligible counties for the improvement of commercial or industrial areas within those counties under section 122.951 of the Revised Code.

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS

All payments received by the state pursuant to a series of settlements with ten brokerage firms reached with the United States Securities and Exchange Commission, the National Association of Securities Dealers, the New York Stock Exchange, the New York Attorney General, and other state regulators (henceforth referred to as the "Global Analysts Settlement Agreements"), shall be deposited into the state treasury to the credit of the Economic Development Contingency Fund (Fund 5Y6), which is hereby created in the state treasury. The fund shall be used by the Director of Development to support economic development projects for which appropriations would not otherwise be available, and shall be subject to the submission of a request to the Controlling Board by the Director outlining the planned use of the funds, and the subsequent approval of the request by the Controlling Board.

VOLUME CAP ADMINISTRATION

The foregoing appropriation item 195-654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 617) shall consist of application fees, forfeited deposits, and interest earned from the

custodial account held by the Treasurer of State.	53561
INNOVATION OHIO LOAN FUND	53562
The foregoing appropriation item 195-664, Innovation Ohio,	53563
shall be used to provide for innovation Ohio purposes, including	53564
loan guarantees and loans under Chapter 166. and particularly	53565
sections 166.12 to 166.16 of the Revised Code.	53566
RESEARCH AND DEVELOPMENT	53567
The foregoing appropriation item 195-665, Research and	53568
Development, shall be used to provide for research and development	53569
purposes, including loans, under Chapter 166. and particularly	53570
sections 166.17 to 166.21 of the Revised Code.	53571
<b>Section 263.20.80. FACILITIES ESTABLISHMENT FUND</b>	53572
The foregoing appropriation item 195-615, Facilities	53573
Establishment (Fund 037), shall be used for the purposes of the	53574
Facilities Establishment Fund under Chapter 166. of the Revised	53575
Code.	53576
Notwithstanding Chapter 166. of the Revised Code, an amount	53577
not to exceed \$1,800,000 in cash each fiscal year may be	53578
transferred from the Facilities Establishment Fund (Fund 037) to	53579
the Economic Development Financing Operating Fund (Fund 451). The	53580
transfer is subject to Controlling Board approval under division	53581
(B) of section 166.03 of the Revised Code.	53582
Notwithstanding Chapter 166. of the Revised Code, an amount	53583
not to exceed \$5,475,000 in cash each fiscal year may be	53584
transferred during the biennium from the Facilities Establishment	53585
Fund (Fund 037) to the Urban Redevelopment Loans Fund (Fund 5D2)	53586
for the purpose of removing barriers to urban core redevelopment.	53587
The Director of Development shall develop program guidelines for	53588
the transfer and release of funds, including, but not limited to,	53589
the completion of all appropriate environmental assessments before	53590

state assistance is committed to a project. The transfers shall be 53591  
subject to approval by the Controlling Board upon the submission 53592  
of a request by the Department of Development. 53593

Notwithstanding Chapter 166. of the Revised Code, an amount 53594  
not to exceed \$3,000,000 in cash each fiscal year may be 53595  
transferred from the Facilities Establishment Fund (Fund 037) to 53596  
the Rural Industrial Park Loan Fund (Fund 4Z6). The transfer is 53597  
subject to Controlling Board approval under section 166.03 of the 53598  
Revised Code. 53599

Notwithstanding Chapter 166. of the Revised Code, of the 53600  
foregoing appropriation item 195-615, Facilities Establishment, 53601  
\$1,500,000 in fiscal year 2008 shall be used for business 53602  
development by any current or future port authority located in 53603  
Clark County. 53604

ALTERNATIVE FUEL TRANSPORTATION GRANT FUND 53605

Notwithstanding Chapter 166. of the Revised Code, an amount 53606  
not to exceed \$1,000,000 in cash each fiscal year shall be 53607  
transferred from moneys in the Facilities Establishment Fund (Fund 53608  
037) to the Alternative Fuel Transportation Grant Fund (Fund 5CG) 53609  
in the Department of Development. 53610

RURAL DEVELOPMENT INITIATIVE FUND 53611

(A)(1) The Rural Development Initiative Fund (Fund 5S8) is 53612  
entitled to receive moneys from the Facilities Establishment Fund 53613  
(Fund 037). The Director of Development may make grants from the 53614  
Rural Development Initiative Fund as specified in division (A)(2) 53615  
of this section to eligible applicants in Appalachian counties and 53616  
in rural counties in the state that are designated as distressed 53617  
under section 122.25 of the Revised Code. Preference shall be 53618  
given to eligible applicants located in Appalachian counties 53619  
designated as distressed by the federal Appalachian Regional 53620  
Commission. The Rural Development Initiative Fund (Fund 5S8) shall 53621

cease to exist after June 30, 2009. All moneys remaining in the 53622  
Fund after that date shall revert to the Facilities Establishment 53623  
Fund (Fund 037). 53624

(2) The Director of Development shall make grants from the 53625  
Rural Development Initiative Fund (Fund 5S8) only to eligible 53626  
applicants who also qualify for and receive funding under the 53627  
Rural Industrial Park Loan Program as specified in sections 122.23 53628  
to 122.27 of the Revised Code. Eligible applicants shall use the 53629  
grants for the purposes specified in section 122.24 of the Revised 53630  
Code. All projects supported by grants from the fund are subject 53631  
to Chapter 4115. of the Revised Code as specified in division (E) 53632  
of section 166.02 of the Revised Code. The Director shall develop 53633  
program guidelines for the transfer and release of funds. The 53634  
release of grant moneys to an eligible applicant is subject to 53635  
Controlling Board approval. 53636

(B) Notwithstanding Chapter 166. of the Revised Code, the 53637  
Director of Budget and Management may transfer an amount not to 53638  
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 53639  
at the request of the Director of Development from the Facilities 53640  
Establishment Fund (Fund 037) to the Rural Development Initiative 53641  
Fund (Fund 5S8). The transfer is subject to Controlling Board 53642  
approval under section 166.03 of the Revised Code. 53643

CAPITAL ACCESS LOAN PROGRAM 53644

The foregoing appropriation item 195-628, Capital Access Loan 53645  
Program, shall be used for operating, program, and administrative 53646  
expenses of the program. Funds of the Capital Access Loan Program 53647  
shall be used to assist participating financial institutions in 53648  
making program loans to eligible businesses that face barriers in 53649  
accessing working capital and obtaining fixed-asset financing. 53650

Notwithstanding Chapter 166. of the Revised Code, the 53651  
Director of Budget and Management may transfer an amount not to 53652



exceed \$3,000,000 in cash each fiscal year on an as-needed basis 53653  
at the request of the Director of Development from the Facilities 53654  
Establishment Fund (Fund 037) to the Capital Access Loan Program 53655  
Fund (Fund 5S9). The transfer is subject to Controlling Board 53656  
approval under section 166.03 of the Revised Code. 53657

**Section 263.20.90. CLEAN OHIO OPERATING EXPENSES** 53658

The foregoing appropriation item 195-663, Clean Ohio 53659  
Operating, shall be used by the Department of Development in 53660  
administering sections 122.65 to 122.658 of the Revised Code. 53661

**THIRD FRONTIER OPERATING** 53662

The foregoing appropriation item 195-686, Third Frontier 53663  
Operating, shall be used for operating expenses incurred by the 53664  
Department of Development in administering sections 184.10 to 53665  
184.20 of the Revised Code. 53666

**THIRD FRONTIER RESEARCH & DEVELOPMENT PROJECTS** 53667

The foregoing appropriation item 195-687, Third Frontier 53668  
Research & Development Projects, shall be used by the Department 53669  
of Development to fund selected projects pursuant to sections 53670  
184.10 to 184.20 of the Revised Code. 53671

Notwithstanding sections 184.10 to 184.20 of the Revised 53672  
Code, of the foregoing appropriation item 195-687, Third Frontier 53673  
Research & Development Projects, up to \$20,000,000 in fiscal year 53674  
2008 shall be used by the Office of Information Technology, in 53675  
partnership with the Ohio Supercomputer Center's OSCnet, to 53676  
acquire the equipment and services necessary to migrate state 53677  
agencies' network to the existing OSCnet network backbone. This 53678  
state network shall be known as the NextGen Network. 53679

Notwithstanding sections 184.10 to 184.20 of the Revised 53680  
Code, at the direction of the Director of Budget and Management up 53681  
to \$18,000,000 in each fiscal year from appropriation item 53682

195-687, Third Frontier Research & Development Projects, and 53683  
appropriation item 195-692, Research & Development Taxable Bond 53684  
Projects, shall be used to fund the Research Incentive Program in 53685  
the Board of Regents. 53686

On or before June 30, 2008, any unencumbered balance of the 53687  
foregoing appropriation item 195-687, Third Frontier Research & 53688  
Development Projects, for fiscal year 2008 is hereby appropriated 53689  
for the same purpose for fiscal year 2009. 53690

**AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS** 53691

The Ohio Public Facilities Commission, upon request of the 53692  
Department of Development, is hereby authorized to issue and sell, 53693  
in accordance with Section 2p of Article VIII, Ohio Constitution, 53694  
and particularly sections 151.01 and 151.10 of the Revised Code, 53695  
original obligations of the State of Ohio in an aggregate amount 53696  
not to exceed \$150,000,000. The authorized obligations shall be 53697  
issued and sold from time to time and in amounts necessary to 53698  
ensure sufficient moneys to the credit of the Third Frontier 53699  
Research & Development Fund (Fund 011) to pay costs of research 53700  
and development projects. 53701

**JOB READY SITE OPERATING** 53702

The foregoing appropriation item 195-688, Job Ready Site 53703  
Operating, shall be used for operating expenses incurred by the 53704  
Department of Development in administering sections 122.085 to 53705  
122.0820 of the Revised Code. Operating expenses include, but are 53706  
not limited to, certain expenses of the District Public Works 53707  
Integrating Committees, audit and accountability activities, and 53708  
costs associated with formal certifications verifying that site 53709  
infrastructure is in place and is functional. 53710

**Section 263.30.10. UNCLAIMED FUNDS TRANSFER** 53711

(A) Notwithstanding division (A) of section 169.05 of the 53712

Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, prior to June 30, 2008, shall transfer to the Job Development Initiatives Fund (Fund 5AD) an amount not to exceed \$5,000,000 in cash of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section.

Notwithstanding division (A) of section 169.05 of the Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, prior to June 30, 2009, shall transfer to the Job Development Initiatives Fund (Fund 5AD) an amount not to exceed \$24,400,000 in cash of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section.

(B) Notwithstanding division (A) of section 169.05 of the Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, prior to June 30, 2008, shall transfer to the State Special Projects Fund (Fund 4F2) an amount not to exceed \$2,500,000 of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section.

Notwithstanding division (A) of section 169.05 of the Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, prior to June 30, 2009, shall transfer to the State Special Projects Fund (Fund 4F2) an amount not to exceed \$2,500,000 in cash of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section.

**Section 263.30.20. WORKFORCE DEVELOPMENT** 53744

The Director of Development and the Director of Job and 53745  
 Family Services may enter into one or more interagency agreements 53746  
 between the two departments, hire staff, transfer staff, assign 53747  
 duties to staff, enter into contracts, transfer assets, and take 53748  
 other actions the directors consider necessary to provide services 53749  
 and assistance as necessary to integrate workforce development 53750  
 into a larger economic development strategy, to implement the 53751  
 recommendations of the Workforce Policy Board, and to perform 53752  
 activities related to the transition of the administration of 53753  
 employment programs identified by the board. Subject to the 53754  
 approval of the Director of Budget and Management, the Department 53755  
 of Development and the Department of Job and Family Services may 53756  
 expend funds to support the recommendations of the Workforce 53757  
 Policy Board in the area of integration of employment functions as 53758  
 described in this paragraph and to provide implementation and 53759  
 transition activities from the appropriations to those 53760  
 departments. 53761

**Section 265.10. OBD OHIO BOARD OF DIETETICS** 53762

General Services Fund Group				53763
4K9 860-609 Operating Expenses	\$	342,501	\$ 348,964	53764
TOTAL GSF General Services Fund				53765
Group	\$	342,501	\$ 348,964	53766
TOTAL ALL BUDGET FUND GROUPS	\$	342,501	\$ 348,964	53767

**Section 267.10. CDR COMMISSION ON DISPUTE RESOLUTION AND** 53769  
**CONFLICT MANAGEMENT** 53770

General Revenue Fund				53771
GRF 145-401 Commission Operations	\$	455,123	\$ 460,000	53772
TOTAL GRF General Revenue Fund	\$	455,123	\$ 460,000	53773

General Services Fund Group				53774
4B6 145-601 Dispute Resolution	\$	140,000	\$ 140,000	53775
Programs				
TOTAL GSF General Services Fund	\$	140,000	\$ 140,000	53776
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	595,123	\$ 600,000	53777
 <b>Section 269.10. EDU DEPARTMENT OF EDUCATION</b>				53779
General Revenue Fund				53780
GRF 200-100 Personal Services	\$	11,533,494	\$ 12,110,169	53781
GRF 200-320 Maintenance and	\$	4,549,479	\$ 4,778,203	53782
Equipment				
GRF 200-408 Early Childhood	\$	34,002,195	\$ 36,502,195	53783
Education				
GRF 200-410 Educator Training	\$	19,628,817	\$ 20,628,817	53784
GRF 200-416 Career-Technical	\$	2,233,195	\$ 2,233,195	53785
Education Match				
GRF 200-420 Computer/Application/	\$	5,536,362	\$ 5,793,700	53786
Network Development				
GRF 200-421 Alternative Education	\$	15,232,665	\$ 13,232,665	53787
Programs				
GRF 200-422 School Management	\$	2,960,572	\$ 2,960,572	53788
Assistance				
GRF 200-424 Policy Analysis	\$	556,687	\$ 556,687	53789
GRF 200-425 Tech Prep Consortia	\$	2,069,217	\$ 2,069,217	53790
Support				
GRF 200-426 Ohio Educational	\$	30,446,197	\$ 30,446,197	53791
Computer Network				
GRF 200-427 Academic Standards	\$	10,514,730	\$ 10,514,730	53792
GRF 200-431 School Improvement	\$	11,600,235	\$ 12,350,235	53793
Initiatives				
GRF 200-433 Literacy	\$	15,815,000	\$ 15,815,000	53794

	Improvement-Professional Development			
GRF 200-437	Student Assessment	\$ 77,150,819	\$ 76,387,144	53795
GRF 200-439	Accountability/Report	\$ 8,096,040	\$ 8,223,540	53796
	Cards			
GRF 200-442	Child Care Licensing	\$ 1,302,495	\$ 1,302,495	53797
GRF 200-446	Education Management	\$ 16,110,510	\$ 16,586,082	53798
	Information System			
GRF 200-447	GED Testing	\$ 1,544,360	\$ 1,544,360	53799
GRF 200-448	Educator Preparation	\$ 1,301,000	\$ 1,301,000	53800
GRF 200-455	Community Schools	\$ 1,533,661	\$ 1,533,661	53801
GRF 200-502	Pupil Transportation	\$ 424,783,117	\$ 429,030,948	53802
GRF 200-503	Bus Purchase Allowance	\$ 14,000,000	\$ 14,000,000	53803
GRF 200-505	School Lunch Match	\$ 8,998,025	\$ 8,998,025	53804
GRF 200-509	Adult Literacy	\$ 8,669,738	\$ 8,669,738	53805
	Education			
GRF 200-511	Auxiliary Services	\$ 131,740,457	\$ 135,692,670	53806
GRF 200-514	Postsecondary Adult	\$ 19,481,875	\$ 19,481,875	53807
	Career-Technical Education			
GRF 200-521	Gifted Pupil Program	\$ 47,608,030	\$ 48,008,613	53808
GRF 200-532	Nonpublic	\$ 59,810,517	\$ 61,604,832	53809
	Administrative Cost Reimbursement			
GRF 200-536	Ohio Core Support	\$ 7,700,000	\$ 15,125,000	53810
GRF 200-540	Special Education	\$ 138,619,945	\$ 139,756,839	53811
	Enhancements			
GRF 200-545	Career-Technical	\$ 9,298,651	\$ 9,373,926	53812
	Education Enhancements			
GRF 200-550	Foundation Funding	\$ 5,761,699,328	\$ 6,034,943,246	53813
GRF 200-566	Literacy	\$ 12,062,336	\$ 12,062,336	53814
	Improvement-Classroom Grants			

GRF 200-578	Violence Prevention and School Safety	\$ 1,218,555	\$ 1,218,555	53815
GRF 200-901	Property Tax Allocation - Education	\$ 794,583,404	\$ 850,868,654	53816
GRF 200-906	Tangible Tax Exemption - Education	\$ 21,415,244	\$ 10,707,622	53817
TOTAL GRF	General Revenue Fund	\$ 7,735,406,952	\$ 8,076,412,743	53818
	General Services Fund Group			53819
138 200-606	Computer Services-Operational Support	\$ 7,600,091	\$ 7,600,091	53820
4D1 200-602	Ohio Prevention/Education Resource Center	\$ 832,000	\$ 832,000	53821
4L2 200-681	Teacher Certification and Licensure	\$ 5,966,032	\$ 6,323,994	53822
452 200-638	Miscellaneous Educational Services	\$ 273,166	\$ 279,992	53823
5H3 200-687	School District Solvency Assistance	\$ 18,000,000	\$ 18,000,000	53824
596 200-656	Ohio Career Information System	\$ 529,761	\$ 529,761	53825
TOTAL GSF	General Services Fund Group	\$ 33,201,050	\$ 33,565,838	53826
	Federal Special Revenue Fund Group			53828
3AF 200-603	Schools Medicaid Administrative Claims	\$ 486,000	\$ 639,000	53829
3BK 200-628	Longitudinal Data Systems	\$ 1,795,570	\$ 307,050	53830
3BV 200-636	Character Education	\$ 700,000	\$ 700,000	53831
3CF 200-644	Foreign Language Assistance	\$ 85,000	\$ 285,000	53832

3CG	200-646	Teacher Incentive Fund	\$	6,552,263	\$	3,994,338	53833
3C5	200-661	Early Childhood Education	\$	18,989,779	\$	18,989,779	53834
3D1	200-664	Drug Free Schools	\$	13,347,966	\$	13,347,966	53835
3D2	200-667	Honors Scholarship Program	\$	6,573,968	\$	6,665,000	53836
3H9	200-605	Head Start Collaboration Project	\$	275,000	\$	275,000	53837
3L6	200-617	Federal School Lunch	\$	244,714,211	\$	249,903,970	53838
3L7	200-618	Federal School Breakfast	\$	63,927,606	\$	69,041,814	53839
3L8	200-619	Child/Adult Food Programs	\$	69,280,946	\$	70,691,653	53840
3L9	200-621	Career-Technical Education Basic Grant	\$	48,029,701	\$	48,029,701	53841
3M0	200-623	ESEA Title 1A	\$	415,000,000	\$	420,000,000	53842
3M1	200-678	Innovative Education	\$	5,369,100	\$	5,363,706	53843
3M2	200-680	Individuals with Disabilities Education Act	\$	500,000,000	\$	405,000,000	53844
3S2	200-641	Education Technology	\$	10,000,000	\$	5,000,000	53845
3T4	200-613	Public Charter Schools	\$	13,850,827	\$	14,212,922	53846
3Y2	200-688	21st Century Community Learning Centers	\$	30,681,554	\$	30,681,554	53847
3Y4	200-632	Reading First	\$	35,215,798	\$	31,215,798	53848
3Y6	200-635	Improving Teacher Quality	\$	102,692,685	\$	102,698,246	53849
3Y7	200-689	English Language Acquisition	\$	8,000,000	\$	8,000,000	53850
3Y8	200-639	Rural and Low Income Technical Assistance	\$	1,500,000	\$	1,500,000	53851
3Z2	200-690	State Assessments	\$	12,883,799	\$	12,883,799	53852
3Z3	200-645	Consolidated Federal	\$	8,500,000	\$	8,500,000	53853



		Grant Administration					
309	200-601	Educationally	\$	12,750,000	\$	8,750,000	53854
		Disadvantaged Programs					
366	200-604	Adult Basic Education	\$	19,425,000	\$	20,396,250	53855
367	200-607	School Food Services	\$	5,849,748	\$	6,088,737	53856
368	200-614	Veterans' Training	\$	710,373	\$	745,892	53857
369	200-616	Career-Technical	\$	5,000,000	\$	5,000,000	53858
		Education Federal Enhancement					
370	200-624	Education of	\$	1,811,520	\$	575,454	53859
		Exceptional Children					
374	200-647	Troops to Teachers	\$	100,000	\$	100,000	53860
378	200-660	Learn and Serve	\$	1,561,954	\$	1,561,954	53861
		TOTAL FED Federal Special					53862
		Revenue Fund Group	\$	1,665,660,368	\$	1,571,144,583	53863
		State Special Revenue Fund Group					53864
4R7	200-695	Indirect Operational	\$	5,449,748	\$	5,810,464	53865
		Support					
4V7	200-633	Interagency	\$	392,100	\$	376,423	53866
		Operational Support					
454	200-610	Guidance and Testing	\$	400,000	\$	400,000	53867
455	200-608	Commodity Foods	\$	24,000,000	\$	24,000,000	53868
5BB	200-696	State Action for	\$	1,250,000	\$	1,250,000	53869
		Education Leadership					
5BJ	200-626	Half-Mill Maintenance	\$	10,700,000	\$	10,700,000	53870
		Equalization					
5U2	200-685	National Education	\$	300,000	\$	300,000	53871
		Statistics					
5W2	200-663	Early Learning	\$	2,200,000	\$	2,200,000	53872
		Initiative					
598	200-659	Auxiliary Services	\$	1,328,910	\$	1,328,910	53873
		Reimbursement					
620	200-615	Educational	\$	3,000,000	\$	3,000,000	53874

Improvement Grants			
TOTAL SSR State Special Revenue			53875
Fund Group	\$ 49,020,758	\$ 49,365,797	53876
Lottery Profits Education Fund Group			53877
017 200-612 Foundation Funding	\$ 635,198,000	\$ 667,900,000	53878
017 200-682 Lease Rental Payment	\$ 22,702,000	\$ 0	53879
Reimbursement			
TOTAL LPE Lottery Profits			53880
Education Fund Group	\$ 657,900,000	\$ 667,900,000	53881
Revenue Distribution Fund Group			53882
047 200-909 School District	\$ 611,596,856	\$ 763,316,819	53883
Property Tax			
Replacement-Business			
053 200-900 School District	\$ 91,123,523	\$ 91,123,523	53884
Property Tax			
Replacement-Utility			
TOTAL RDF Revenue Distribution			53885
Fund Group	\$ 702,720,379	\$ 854,440,342	53886
TOTAL ALL BUDGET FUND GROUPS	\$10,843,909,507	\$11,252,829,303	53887

**Section 269.10.10. PERSONAL SERVICES** 53889

The foregoing appropriation item 200-100, Personal Services, 53890  
 may be used to pay fees for the Department's membership in the 53891  
 Education Commission of the States, an interstate nonprofit, 53892  
 nonpartisan organization that supports states with the development 53893  
 of education policy. 53894

Of the foregoing appropriation item 200-100, Personal 53895  
 Services, up to \$25,000 may be expended in each fiscal year for 53896  
 the State Board of Education to pay for outside professionals to 53897  
 help inform the Board on topics of education policy. 53898

**Section 269.10.20. EARLY CHILDHOOD EDUCATION** 53899

The Department of Education shall distribute the foregoing 53900  
appropriation item 200-408, Early Childhood Education, to pay the 53901  
costs of early childhood education programs. 53902

(A) As used in this section: 53903

(1) "Provider" means a city, local, exempted village, or 53904  
joint vocational school district, or an educational service 53905  
center. 53906

(2) In the case of a city, local, or exempted village school 53907  
district, "new eligible provider" means a district that is 53908  
eligible for poverty-based assistance under section 3317.029 of 53909  
the Revised Code. 53910

(3) "Eligible child" means a child who is at least three 53911  
years of age, is not of the age to be eligible for kindergarten, 53912  
and whose family earns not more than two hundred per cent of the 53913  
federal poverty guidelines. 53914

(B) In each fiscal year, up to two per cent of the total 53915  
appropriation may be used by the Department for program support 53916  
and technical assistance. The Department shall distribute the 53917  
remainder of the appropriation in each fiscal year to serve 53918  
eligible children. 53919

(C) The Department shall provide an annual report to the 53920  
Governor, the Speaker of the House of Representatives, and the 53921  
President of the Senate and post the report to the Department's 53922  
web site, regarding early childhood education programs operated 53923  
under this section and the early learning program guidelines for 53924  
school readiness. 53925

(D) After setting aside the amounts to make payments due from 53926  
the previous fiscal year, in fiscal year 2008, the Department 53927  
shall distribute funds first to recipients of funds for early 53928  
childhood education programs under Section 206.09.06 of Am. Sub. 53929  
H.B. 66 of the 126th General Assembly in the previous fiscal year 53930

and the balance to new eligible providers of early childhood education programs under this section. However, the total amount of funds distributed in fiscal year 2008 to all providers that received funds for early childhood education programs in fiscal year 2007 shall not exceed \$18,622,151, unless the number of new eligible providers that notifies the Department of their interest in establishing early childhood education programs is insufficient to expend all available funding. In that case, the Department may direct available funding to providers that received funds for early childhood education programs in fiscal year 2007 for purposes of program expansion, improvement, or special projects to promote quality and innovation.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2009, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers. However, the total amount of funds distributed in fiscal year 2009 to all providers that received funds for early childhood education programs in fiscal year 2007 shall not exceed \$18,622,151, unless the number of providers that received funding in fiscal year 2008 and new eligible providers that notify the Department of their interest in establishing early childhood education programs is insufficient to expend all available funding. In that case, the Department may direct available funding to providers that received funds for early childhood education programs in fiscal year 2007 or 2008 for purposes of program expansion, improvement, or special projects to promote quality and innovation.

In each of fiscal years 2008 and 2009, if funding is insufficient to serve all new eligible providers that notify the Department of their interest in establishing early childhood education programs, the Department shall determine which of those

providers will receive funds using a selection process that first 53963  
gives preference to providers that, as of March 15, 2007, did not 53964  
offer early childhood education programs, but that had offered 53965  
early childhood education programs or public preschool programs 53966  
for some time after June 30, 2000, and second to providers that 53967  
demonstrate a need for early childhood education programs, as 53968  
determined by the Department. Demonstration of need shall include 53969  
having higher rates of eligible children to be served. 53970

Awards under this section shall be distributed on a per-pupil 53971  
basis, and in accordance with division (H) of this section. The 53972  
Department may adjust the per-pupil amount so that the per-pupil 53973  
amount multiplied by the number of eligible children enrolled and 53974  
receiving services, as defined by the Department, reported on the 53975  
first day of December or the first business day following that 53976  
date equals the amount allocated under this section. 53977

(E) Costs for developing and administering an early childhood 53978  
education program may not exceed fifteen per cent of the total 53979  
approved costs of the program. 53980

All providers shall maintain such fiscal control and 53981  
accounting procedures as may be necessary to ensure the 53982  
disbursement of, and accounting for, these funds. The control of 53983  
funds provided in this program, and title to property obtained 53984  
therefrom, shall be under the authority of the approved provider 53985  
for purposes provided in the program unless, as described in 53986  
division (J) of this section, the program waives its right for 53987  
funding or a program's funding is eliminated or reduced due to its 53988  
inability to meet financial or early learning program guidelines 53989  
for school readiness. The approved provider shall administer and 53990  
use such property and funds for the purposes specified. 53991

(F) The Department may examine a provider's financial and 53992  
program records. If the financial practices of the program are not 53993  
in accordance with standard accounting principles or do not meet 53994

financial standards outlined under division (E) of this section, 53995  
or if the program fails to substantially meet the early learning 53996  
program guidelines for school readiness or exhibits below average 53997  
performance as measured against the guidelines, the early 53998  
childhood education program shall propose and implement a 53999  
corrective action plan that has been approved by the Department. 54000  
The approved corrective action plan shall be signed by the chief 54001  
executive officer and the executive of the official governing body 54002  
of the provider. The corrective action plan shall include a 54003  
schedule for monitoring by the Department. Such monitoring may 54004  
include monthly reports, inspections, a timeline for correction of 54005  
deficiencies, and technical assistance to be provided by the 54006  
Department or obtained by the early childhood education program. 54007  
The Department may withhold funding pending corrective action. If 54008  
an early childhood education program fails to satisfactorily 54009  
complete a corrective action plan, the Department may deny 54010  
expansion funding to the program or withdraw all or part of the 54011  
funding to the program and establish a new eligible provider 54012  
through a selection process established by the Department. 54013

(G) Each early childhood education program shall do all of 54014  
the following: 54015

(1) Meet teacher qualification requirements prescribed by 54016  
section 3301.311 of the Revised Code; 54017

(2) Align curriculum to the early learning content standards; 54018

(3) Meet any assessment requirements prescribed by section 54019  
3301.0715 of the Revised Code that are applicable to the program; 54020

(4) Require teachers, except teachers enrolled and working to 54021  
obtain a degree pursuant to section 3301.311 of the Revised Code, 54022  
to attend a minimum of twenty hours every two years of 54023  
professional development as prescribed by the Department regarding 54024  
the implementation of early learning program guidelines for school 54025

readiness;	54026
(5) Document and report child progress;	54027
(6) Meet and report compliance with the early learning program guidelines for school readiness;	54028 54029
(7) Participate in early language and literacy classroom observation evaluation studies.	54030 54031
(H) This division applies only to early childhood education programs established on or after March 15, 2007.	54032 54033
Per-pupil funding for programs subject to this division shall be sufficient to provide eligible children with services for one-half of the statewide average length of the school day, as determined by the Department, for one hundred eighty-two days each school year. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the statewide average length of the school day or that exceed one hundred eighty-two days in a school year.	54034 54035 54036 54037 54038 54039 54040 54041 54042
(I) Each provider shall develop a sliding fee scale based on family incomes and shall charge families who earn more than the federal poverty guidelines for the early childhood education program.	54043 54044 54045 54046
(J) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program guidelines for school readiness, the provider shall transfer control of title to property, equipment, and remaining supplies obtained through the program to providers designated by the Department and return any unexpended funds to the Department along with any reports prescribed by the Department. The funding made available from a program that waives its right for funding or has its funding eliminated or reduced may be used by the Department	54047 54048 54049 54050 54051 54052 54053 54054 54055 54056

for new grant awards or expansion grants. The Department may award 54057  
new grants or expansion grants to eligible providers who apply. 54058  
The eligible providers who apply must do so in accordance with the 54059  
selection process established by the Department. 54060

(K) As used in this section, "early learning program 54061  
guidelines for school readiness" means the guidelines established 54062  
by the Department pursuant to division (C)(3) of Section 206.09.54 54063  
of Am. Sub. H.B. 66 of the 126th General Assembly. 54064

**Section 269.10.30. EDUCATOR TRAINING** 54065

The foregoing appropriation item 200-410, Educator Training, 54066  
shall be used to fund professional development programs in Ohio. 54067  
The Department of Education shall, when possible, incorporate 54068  
cultural competency as a component of professional development and 54069  
actively promote the development of cultural competency in the 54070  
operation of its professional development programs. As used in 54071  
this section, "cultural competency" has the meaning specified by 54072  
the Educator Standards Board under section 3319.61 of the Revised 54073  
Code. 54074

Of the foregoing appropriation item 200-410, Educator 54075  
Training, up to \$9,250,000 in fiscal year 2008 and up to 54076  
\$10,250,000 in fiscal year 2009 shall be used by the Department of 54077  
Education to provide grants to pay \$2,225 of the application fee 54078  
in order to assist teachers from public and chartered nonpublic 54079  
schools applying for the first time to the National Board for 54080  
Professional Teaching Standards for professional teaching 54081  
certificates or licenses that the board offers. These moneys shall 54082  
be used to pay up to the first 400 applications in each fiscal 54083  
year received by the Department. This set aside shall also be used 54084  
to recognize and reward teachers who become certified by the 54085  
National Board for Professional Teaching Standards under section 54086  
3319.55 of the Revised Code. Up to \$300,000 in each fiscal year of 54087



this set aside may be used by the Department to pay for costs 54088  
associated with activities to support candidates through the 54089  
application and certification process. Up to \$39,500 of this set 54090  
aside in each fiscal year may be used to support the application 54091  
fee for candidates participating in the Take One program for 54092  
beginning teachers in years two and three. 54093

Of the foregoing appropriation item 200-410, Educator 54094  
Training, up to \$9,515,817 in each fiscal year shall be allocated 54095  
for entry year teacher and principal programs. These funds shall 54096  
be used to support mentoring services and performance assessments 54097  
of beginning teachers and principals in school districts and 54098  
chartered nonpublic schools. 54099

Of the foregoing appropriation item 200-410, Educator 54100  
Training, up to \$200,000 in each fiscal year shall be used to 54101  
provide technical assistance and grants for districts to develop 54102  
local knowledge/skills-based compensation systems. Each district 54103  
receiving grants shall issue an annual report to the Department of 54104  
Education detailing the use of the funds and the impact of the 54105  
system developed by the district. 54106

Of the foregoing appropriation item 200-410, Educator 54107  
Training, up to \$350,000 in each fiscal year shall be used for 54108  
training and professional development of school administrators, 54109  
school treasurers, and school business officials. 54110

Of the foregoing appropriation item 200-410, Educator 54111  
Training, up to \$63,000 in each fiscal year shall be used to 54112  
support the Ohio University Leadership Program. 54113

Of the foregoing appropriation item 200-410, Educator 54114  
Training, \$250,000 in each fiscal year shall be used to support 54115  
the Ohio School Leadership Institute. 54116

**Section 269.10.40. CAREER-TECHNICAL EDUCATION MATCH 54117**

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.

COMPUTER/APPLICATION/NETWORK DEVELOPMENT

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, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.

**Section 269.10.50. ALTERNATIVE EDUCATION PROGRAMS**

There is hereby created the Alternative Education Advisory Council, which shall consist of one representative from each of the following agencies: the Ohio Department of Education; the Department of Youth Services; the Ohio Department of Alcohol and Drug Addiction Services; the Department of Mental Health; the Office of the Governor or, at the Governor's discretion, the Office of the Lieutenant Governor; the Office of the Attorney General; and the Office of the Auditor of State.

Of the foregoing appropriation item 200-421, Alternative Education Programs, up to \$6,227,310 in each fiscal year shall be used for the renewal of successful implementation grants and for

competitive matching grants to the 21 urban school districts as 54149  
defined in division (O) of section 3317.02 of the Revised Code as 54150  
it existed prior to July 1, 1998, and up to \$6,161,074 in each 54151  
fiscal year shall be used for the renewal of successful 54152  
implementation grants and for competitive matching grants to rural 54153  
and suburban school districts for alternative educational programs 54154  
for existing and new at-risk and delinquent youth. Programs shall 54155  
be focused on youth in one or more of the following categories: 54156  
those who have been expelled or suspended, those who have dropped 54157  
out of school or who are at risk of dropping out of school, those 54158  
who are habitually truant or disruptive, or those on probation or 54159  
on parole from a Department of Youth Services facility. Grants 54160  
shall be awarded according to the criteria established by the 54161  
Alternative Education Advisory Council in 1999. Grants shall be 54162  
awarded only to programs in which the grant will not serve as the 54163  
program's primary source of funding. These grants shall be 54164  
administered by the Department of Education. 54165

The Department of Education may waive compliance with any 54166  
minimum education standard established under section 3301.07 of 54167  
the Revised Code for any alternative school that receives a grant 54168  
under this section on the grounds that the waiver will enable the 54169  
program to more effectively educate students enrolled in the 54170  
alternative school. 54171

Of the foregoing appropriation item 200-421, Alternative 54172  
Education Programs, up to \$422,281 in each fiscal year may be used 54173  
for program administration, monitoring, technical assistance, 54174  
support, research, and evaluation. Any unexpended balance may be 54175  
used to provide additional matching grants to urban, suburban, or 54176  
rural school districts as outlined above. 54177

Of the foregoing appropriation item 200-421, Alternative 54178  
Education Programs, \$247,000 in each fiscal year shall be used to 54179  
contract with the Center for Learning Excellence at The Ohio State 54180

University to provide technical support for the project and the 54181  
completion of formative and summative evaluation of the grants. 54182

Of the foregoing appropriation item 200-421, Alternative 54183  
Education Programs, \$75,000 in each fiscal year shall be used to 54184  
support the Toledo Tech Academy. 54185

Of the foregoing appropriation item 200-421, Alternative 54186  
Education Programs, \$2,000,000 in fiscal year 2008 shall be used 54187  
to support Improved Solutions for Urban Students (ISUS) in 54188  
Dayton/Sinclair Youth Initiative. 54189

Of the foregoing appropriation item 200-421, Alternative 54190  
Education Programs, \$100,000 in each fiscal year shall be provided 54191  
to the Cincinnati Arts and Technology Center to increase program 54192  
support for high-risk teens and unemployed urban adults. 54193

**Section 269.10.60. SCHOOL MANAGEMENT ASSISTANCE** 54194

Of the foregoing appropriation item 200-422, School 54195  
Management Assistance, up to \$1,300,000 in each fiscal year may be 54196  
used by the Department of Education for expenses incurred by the 54197  
Auditor of State in consultation with the Department for the 54198  
Auditor of State's role relating to fiscal caution, fiscal watch, 54199  
and fiscal emergency activities as defined in Chapter 3316. of the 54200  
Revised Code and may also be used to conduct performance audits 54201  
with priority given to districts in fiscal distress. Expenses 54202  
include duties related to the completion of performance audits for 54203  
school districts that the Superintendent of Public Instruction 54204  
determines are employing fiscal practices or experiencing 54205  
budgetary conditions that could produce a state of fiscal watch or 54206  
fiscal emergency. 54207

Of the foregoing appropriation item 200-422, School 54208  
Management Assistance, up to \$250,000 in each fiscal year shall be 54209  
used by the Department of Education to work with school districts 54210

and entities that serve school districts to develop and deploy 54211  
analytical tools that allow districts and other stakeholders to 54212  
analyze more thoroughly district spending patterns in order to 54213  
promote more effective and efficient use of resources. Quarterly 54214  
updates of the progress for implementation of these tools shall be 54215  
provided to the Governor, and the Department shall give due 54216  
diligence to implementing these tools in the shortest reasonable 54217  
timeline. 54218

The remainder of foregoing appropriation item 200-422, School 54219  
Management Assistance, shall be used by the Department of 54220  
Education to provide fiscal technical assistance and inservice 54221  
education for school district management personnel and to 54222  
administer, monitor, and implement the fiscal watch and fiscal 54223  
emergency provisions under Chapter 3316. of the Revised Code. 54224

**Section 269.10.70. POLICY ANALYSIS** 54225

The foregoing appropriation item 200-424, Policy Analysis, 54226  
shall be used by the Department of Education to support a system 54227  
of administrative, statistical, and legislative education 54228  
information to be used for policy analysis. Staff supported by 54229  
this appropriation shall administer the development of reports, 54230  
analyses, and briefings to inform education policymakers of 54231  
current trends in education practice, efficient and effective use 54232  
of resources, and evaluation of programs to improve education 54233  
results. The database shall be kept current at all times. These 54234  
research efforts shall be used to supply information and analysis 54235  
of data to the General Assembly and other state policymakers, 54236  
including the Office of Budget and Management and the Legislative 54237  
Service Commission. 54238

The Department of Education may use funding from this 54239  
appropriation item to purchase or contract for the development of 54240  
software systems or contract for policy studies that will assist 54241

in the provision and analysis of policy-related information. 54242

Funding from this appropriation item also may be used to monitor 54243  
and enhance quality assurance for research-based policy analysis 54244  
and program evaluation to enhance the effective use of education 54245  
information to inform education policymakers. 54246

TECH PREP CONSORTIA SUPPORT 54247

The foregoing appropriation item 200-425, Tech Prep Consortia 54248  
Support, shall be used by the Department of Education to support 54249  
state-level activities designed to support, promote, and expand 54250  
tech prep programs. Use of these funds shall include, but not be 54251  
limited to, administration of grants, program evaluation, 54252  
professional development, curriculum development, assessment 54253  
development, program promotion, communications, and statewide 54254  
coordination of tech prep consortia. 54255

**Section 269.10.80. OHIO EDUCATIONAL COMPUTER NETWORK** 54256

The foregoing appropriation item 200-426, Ohio Educational 54257  
Computer Network, shall be used by the Department of Education to 54258  
maintain a system of information technology throughout Ohio and to 54259  
provide technical assistance for such a system in support of the 54260  
State Education Technology Plan under section 3301.07 of the 54261  
Revised Code. 54262

Of the foregoing appropriation item 200-426, Ohio Educational 54263  
Computer Network, up to \$18,136,691 in each fiscal year shall be 54264  
used by the Department of Education to support connection of all 54265  
public school buildings and participating chartered nonpublic 54266  
schools to the state's education network, to each other, and to 54267  
the Internet. In each fiscal year the Department of Education 54268  
shall use these funds to assist information technology centers or 54269  
school districts with the operational costs associated with this 54270  
connectivity. The Department of Education shall develop a formula 54271  
and guidelines for the distribution of these funds to information 54272

technology centers or individual school districts. As used in this 54273  
section, "public school building" means a school building of any 54274  
city, local, exempted village, or joint vocational school 54275  
district, any community school established under Chapter 3314. of 54276  
the Revised Code, any educational service center building used for 54277  
instructional purposes, the Ohio School for the Deaf and the Ohio 54278  
School for the Blind, or high schools chartered by the Ohio 54279  
Department of Youth Services and high schools operated by Ohio 54280  
Department of Rehabilitation and Corrections' Ohio Central School 54281  
System. 54282

Of the foregoing appropriation item 200-426, Ohio Educational 54283  
Computer Network, up to \$2,469,223 in each fiscal year shall be 54284  
used for the Union Catalog and InfOhio Network and to support the 54285  
provision of electronic resources with priority given to resources 54286  
that support the teaching of state academic content standards in 54287  
all public schools. Consideration shall be given by the Department 54288  
of Education to coordinating the allocation of these moneys with 54289  
the efforts of Libraries Connect Ohio, whose members include 54290  
OhioLINK, the Ohio Public Information Network, and the State 54291  
Library of Ohio. 54292

Of the foregoing appropriation item 200-426, Ohio Educational 54293  
Computer Network, up to \$8,338,468 in each fiscal year shall be 54294  
used, through a formula and guidelines devised by the Department, 54295  
to subsidize the activities of designated information technology 54296  
centers, as defined by State Board of Education rules, to provide 54297  
school districts and chartered nonpublic schools with 54298  
computer-based student and teacher instructional and 54299  
administrative information services, including approved 54300  
computerized financial accounting, and to ensure the effective 54301  
operation of local automated administrative and instructional 54302  
systems. 54303

The remainder of appropriation item 200-426, Ohio Educational 54304

Computer Network, shall be used to support development, 54305  
maintenance, and operation of a network of uniform and compatible 54306  
computer-based information and instructional systems. This 54307  
technical assistance shall include, but not be restricted to, 54308  
development and maintenance of adequate computer software systems 54309  
to support network activities. In order to improve the efficiency 54310  
of network activities, the Department and information technology 54311  
centers may jointly purchase equipment, materials, and services 54312  
from funds provided under this appropriation for use by the 54313  
network and, when considered practical by the Department, may 54314  
utilize the services of appropriate state purchasing agencies. 54315

**Section 269.10.90. ACADEMIC STANDARDS** 54316

Of the foregoing appropriation item 200-427, Academic 54317  
Standards, \$150,000 in each fiscal year shall be used by the 54318  
Department in combination with funding earmarked for this purpose 54319  
in the Board of Regents' budget under appropriation item 235-321, 54320  
Operating Expenses. Such funding shall be used to support Ohio's 54321  
Partnership for Continued Learning at the direction of the Office 54322  
of the Governor. Ohio's Partnership for Continued Learning 54323  
replaces and broadens the former Joint Council of the Department 54324  
of Education and the Board of Regents. The Partnership shall 54325  
advise and make recommendations to promote collaboration among 54326  
relevant state entities in an effort to help local communities 54327  
develop coherent and successful "P-16" learning systems. The 54328  
Governor, or the Governor's designee, shall serve as the 54329  
chairperson. 54330

Of the foregoing appropriation item 200-427, Academic 54331  
Standards, \$1,000,000 in each fiscal year shall be used for 54332  
Project Lead the Way leadership and management oversight and 54333  
initial and continuing support of Project Lead the Way workforce 54334  
development programs in participating school districts. 54335



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.

Of the foregoing appropriation item 200-427, Academic Standards, \$200,000 in each fiscal year may be used to support the Ohio Resource Center for Math and Science.

Of the foregoing appropriation item 200-427, Academic Standards, up to \$282,000 in each fiscal year shall be used for the JASON Expedition project that provides statewide access to JASON Expedition content. Funds shall be used to provide professional development training for teachers participating in the project, statewide management, and a seventy-five per cent subsidy for statewide licensing of JASON Expedition content with priority given to content aligned with state academic content standards for approximately 90,000 middle school students statewide.

Of the foregoing appropriation item 200-427, Academic Standards, \$285,000 in each fiscal year shall be used for science initiatives that include, but are not limited to, the Ohio Science Institute (OSCI).

The remainder of appropriation item 200-427, Academic Standards, shall be used by the Department of Education to develop, revise, and communicate to school districts academic content standards and curriculum models. The Department may also use the remainder to develop program models that demonstrate how the academic content standards can be implemented in high school classrooms and to offer online continuing education courses.

**Section 269.20.10. SCHOOL IMPROVEMENT INITIATIVES**

Of the foregoing appropriation item 200-431, School Improvement Initiatives, \$450,000 in each fiscal year shall be used for Ohio's Rural Appalachian Leadership Development Initiative.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$800,000 in each fiscal year shall be used to support districts in the development and implementation of their continuous improvement plans as required in section 3302.04 of the Revised Code and to provide technical assistance and support in accordance with Title I of the "No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317. This funding shall serve as a supplement to the funds provided under division (J) of section 3317.029 of the Revised Code, which represents state support for school improvement initiatives that assist school districts in closing the achievement gap.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$236,250 in each fiscal year shall be used to reduce the dropout rate by addressing the academic and social problems of inner-city students through Project GRAD.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, \$3,503,985 in fiscal year 2008 and \$4,253,985 in fiscal year 2009 shall be used in conjunction with funding provided in the Board of Regents' budget under appropriation item 235-434, College Readiness and Access, to create early college high schools, which are small, autonomous schools that blend high school and college into a coherent educational program. The funds shall be distributed according to guidelines established by the Department of Education and the Board of Regents.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$4,935,000 in each fiscal year shall be used in partnership with nonprofit groups with expertise

in converting existing large urban high schools into small, 54398  
personalized high schools. Districts eligible for such funding 54399  
include the Urban 21 high schools, as defined in division (O) of 54400  
section 3317.02 of the Revised Code as it existed prior to July 1, 54401  
1998. 54402

Of the foregoing appropriation item 200-431, School 54403  
Improvement Initiatives, up to \$75,000 in each fiscal year shall 54404  
be provided to Southern State Community College for the Pilot 54405  
Post-Secondary Enrollment Options Program with Miami Trace High 54406  
School. 54407

Of the foregoing appropriation item 200-431, School 54408  
Improvement Initiatives, \$1,000,000 in each fiscal year shall be 54409  
used to support Jobs for Ohio Graduates (JOG). The Department of 54410  
Education shall require a two-to-one match of local funding to 54411  
state funding before releasing these funds to JOG. 54412

Of the foregoing appropriation item 200-431, School 54413  
Improvement Initiatives, up to \$600,000 in each fiscal year shall 54414  
be used by the Department of Education to support start-up costs 54415  
for gaining business and industry credentialing program 54416  
accreditation and to support the development of a data collection 54417  
system across the numerous industry test providers. Funds shall 54418  
also be used to help subsidize the cost of student participation 54419  
in industry assessments, provide research on industry assessments 54420  
for alignment to industry-established content standards, provide 54421  
professional development opportunities for educators, and prepare 54422  
schools and adult centers to organize for credential alignment and 54423  
delivery. 54424

**Section 269.20.20. LITERACY IMPROVEMENT-PROFESSIONAL** 54425  
**DEVELOPMENT** 54426

Of the foregoing appropriation item 200-433, Literacy 54427  
Improvement-Professional Development, up to \$9,690,000 in each 54428

fiscal year shall be used for educator training in literacy for 54429  
classroom teachers, administrators, and literacy specialists. 54430

Of the foregoing appropriation item 200-433, Literacy 54431  
Improvement-Professional Development, up to \$5,000,000 in each 54432  
fiscal year shall be used to support literacy professional 54433  
development partnerships between the Department of Education, 54434  
higher education institutions, literacy networks, and school 54435  
districts. 54436

Of the foregoing appropriation item 200-433, Literacy 54437  
Improvement - Professional Development, up to \$900,000 in each 54438  
fiscal year shall be used by the Department of Education to fund 54439  
the Reading Recovery Training Network, to cover the cost of 54440  
release time for the teacher trainers, and to provide grants to 54441  
districts to implement other reading improvement programs on a 54442  
pilot basis. Funds from this set-aside also may be used to conduct 54443  
evaluations of the impact and effectiveness of Reading Recovery 54444  
and other reading improvement programs. 54445

The remainder of appropriation item 200-433, Literacy 54446  
Improvement-Professional Development, shall be used by the 54447  
Department of Education to provide administrative support of 54448  
literacy professional development programs. Upon approval of the 54449  
Controlling Board, the Department may also use the remainder to 54450  
contract with an external evaluator on the effectiveness of 54451  
literacy professional development initiatives in the academic 54452  
achievement of students. 54453

STUDENT ASSESSMENT 54454

The foregoing appropriation item 200-437, Student Assessment, 54455  
shall be used to develop, field test, print, distribute, score, 54456  
report results, and support other associated costs for the tests 54457  
required under sections 3301.0710 and 3301.0711 of the Revised 54458  
Code and for similar purposes as required by section 3301.27 of 54459

the Revised Code. If funds remain in this appropriation after 54460  
these purposes have been fulfilled, the Department may use the 54461  
remainder of the appropriation to develop end-of-course exams. 54462

**Section 269.20.30. ACCOUNTABILITY/REPORT CARDS** 54463

Of the foregoing appropriation item 200-439, 54464  
Accountability/Report Cards, up to \$3,028,540 in each fiscal year 54465  
shall be used to train district and regional specialists and 54466  
district educators in the use of the value-added progress 54467  
dimension. This funding shall be used in consultation with a 54468  
credible nonprofit organization with expertise in value-added 54469  
progress dimensions. 54470

The remainder of appropriation item 200-439, 54471  
Accountability/Report Cards, shall be used by the Department to 54472  
incorporate a statewide pilot value-added progress dimension into 54473  
performance ratings for school districts and for the development 54474  
of an accountability system that includes the preparation and 54475  
distribution of school report cards under section 3302.03 of the 54476  
Revised Code. 54477

**CHILD CARE LICENSING** 54478

The foregoing appropriation item 200-442, Child Care 54479  
Licensing, shall be used by the Department of Education to license 54480  
and to inspect preschool and school-age child care programs under 54481  
sections 3301.52 to 3301.59 of the Revised Code. 54482

**Section 269.20.40. EDUCATION MANAGEMENT INFORMATION SYSTEM** 54483

The foregoing appropriation item 200-446, Education 54484  
Management Information System, shall be used by the Department of 54485  
Education to improve the Education Management Information System 54486  
(EMIS). 54487

Of the foregoing appropriation item 200-446, Education 54488

Management Information System, up to \$1,338,620 in fiscal year 54489  
2008 and up to \$1,372,085 in fiscal year 2009 shall be distributed 54490  
to designated information technology centers for costs relating to 54491  
processing, storing, and transferring data for the effective 54492  
operation of the EMIS. These costs may include, but are not 54493  
limited to, personnel, hardware, software development, 54494  
communications connectivity, professional development, and support 54495  
services, and to provide services to participate in the State 54496  
Education Technology Plan pursuant to section 3301.07 of the 54497  
Revised Code. 54498

Of the foregoing appropriation item 200-446, Education 54499  
Management Information System, up to \$8,256,569 in fiscal year 54500  
2008 and up to \$8,462,984 in fiscal year 2009 shall be distributed 54501  
on a per-pupil basis to school districts, community schools 54502  
established under Chapter 3314. of the Revised Code, educational 54503  
service centers, joint vocational school districts, and any other 54504  
education entity that reports data through EMIS. From this 54505  
funding, each school district or community school established 54506  
under Chapter 3314. of the Revised Code with enrollment greater 54507  
than 100 students and each vocational school district shall 54508  
receive a minimum of \$5,000 in each fiscal year. Each school 54509  
district or community school established under Chapter 3314. of 54510  
the Revised Code with enrollment between one and one hundred and 54511  
each educational service center and each county board of MR/DD 54512  
that submits data through EMIS shall receive \$3,000 in each fiscal 54513  
year. This subsidy shall be used for costs relating to reporting, 54514  
processing, storing, transferring, and exchanging data necessary 54515  
to meet requirements of the Department of Education's data system. 54516

The remainder of appropriation item 200-446, Education 54517  
Management Information System, shall be used to develop and 54518  
support a common core of data definitions and standards as adopted 54519  
by the Education Data Advisory Council, including the ongoing 54520

development and maintenance of the data dictionary and data 54521  
warehouse. In addition, such funds shall be used to support the 54522  
development and implementation of data standards and the design, 54523  
development, and implementation of a new data exchange system. 54524

Any provider of software meeting the standards approved by 54525  
the Education Data Advisory Council shall be designated as an 54526  
approved vendor and may enter into contracts with local school 54527  
districts, community schools, information technology centers, or 54528  
other educational entities for the purpose of collecting and 54529  
managing data required under Ohio's education management 54530  
information system (EMIS) laws. On an annual basis, the Department 54531  
of Education shall convene an advisory group of school districts, 54532  
community schools, and other education-related entities to review 54533  
the Education Management Information System data definitions and 54534  
data format standards. The advisory group shall recommend changes 54535  
and enhancements based upon surveys of its members, education 54536  
agencies in other states, and current industry practices, to 54537  
reflect best practices, align with federal initiatives, and meet 54538  
the needs of school districts. 54539

School districts and community schools not implementing a 54540  
common and uniform set of data definitions and data format 54541  
standards for Education Management Information System purposes 54542  
shall have all EMIS funding withheld until they are in compliance. 54543

**Section 269.20.50. GED TESTING** 54544

The foregoing appropriation item 200-447, GED Testing, shall 54545  
be used to provide General Educational Development (GED) testing 54546  
at no cost to applicants, under rules adopted by the State Board 54547  
of Education. The Department of Education shall reimburse school 54548  
districts and community schools, created under Chapter 3314. of 54549  
the Revised Code, for a portion of the costs incurred in providing 54550  
summer instructional or intervention services to students who have 54551

not graduated because of their inability to pass one or more parts 54552  
of the state's Ohio Graduation Test or ninth grade proficiency 54553  
test. School districts shall also provide such services to 54554  
students who are residents of the district under section 3313.64 54555  
of the Revised Code, but who are enrolled in chartered, nonpublic 54556  
schools. The services shall be provided in the public school, in 54557  
nonpublic schools, in public centers, or in mobile units located 54558  
on or off the nonpublic school premises. No school district shall 54559  
provide summer instructional or intervention services to nonpublic 54560  
school students as authorized by this section unless such services 54561  
are available to students attending the public schools within the 54562  
district. No school district shall provide services for use in 54563  
religious courses, devotional exercises, religious training, or 54564  
any other religious activity. Chartered, nonpublic schools shall 54565  
pay for any unreimbursed costs incurred by school districts for 54566  
providing summer instruction or intervention services to students 54567  
enrolled in chartered, nonpublic schools. School districts may 54568  
provide these services to students directly or contract with 54569  
postsecondary or nonprofit community-based institutions in 54570  
providing instruction. 54571

**Section 269.20.60. EDUCATOR PREPARATION** 54572

The foregoing appropriation item 200-448, Educator 54573  
Preparation, may be used by the Department to support the Educator 54574  
Standards Board under section 3319.61 of the Revised Code as it 54575  
develops and recommends to the State Board of Education standards 54576  
for educator training and standards for teacher and other school 54577  
leadership positions. Any remaining funds may be used by the 54578  
Department to develop alternative preparation programs for school 54579  
leaders. 54580

**Section 269.20.70. COMMUNITY SCHOOLS** 54581



Of the foregoing appropriation item 200-455, Community Schools, up to \$1,308,661 in each fiscal year may be used by the Department of Education for additional services and responsibilities under section 3314.11 of the Revised Code.

Of the foregoing appropriation item 200-455, Community Schools, up to \$225,000 in each fiscal year may be used by the Department of Education for developing and conducting training sessions for sponsors and prospective sponsors of community schools as prescribed in division (A)(1) of section 3314.015 of the Revised Code. In developing the training sessions, the Department shall collect and disseminate examples of best practices used by sponsors of independent charter schools in Ohio and other states.

**Section 269.20.80. PUPIL TRANSPORTATION**

Of the foregoing appropriation item 200-502, Pupil Transportation, up to \$830,624 in fiscal year 2008 and up to \$838,930 in fiscal year 2009 may be used by the Department of Education for training prospective and experienced school bus drivers in accordance with training programs prescribed by the Department. Up to \$59,870,514 in fiscal year 2008 and up to \$60,469,220 in fiscal year 2009 may be used by the Department of Education for special education transportation reimbursements to school districts and county MR/DD boards for transportation operating costs as provided in division (J) of section 3317.024 of the Revised Code. The remainder of appropriation item 200-502, Pupil Transportation, shall be used for the state reimbursement of public school districts' costs in transporting pupils to and from the school they attend in accordance with the district's policy, State Board of Education standards, and the Revised Code.

Notwithstanding the distribution formula outlined in division (D) of section 3317.022 of the Revised Code, each school district

shall receive an additional one per cent in state funding for 54613  
transportation in fiscal year 2008 over what was received in 54614  
fiscal year 2007, and the local share of transportation costs that 54615  
is used in the calculation of the charge-off supplement and excess 54616  
cost supplement for each school district in fiscal year 2008 shall 54617  
be increased by one per cent from that used in calculations in 54618  
fiscal year 2007. 54619

Notwithstanding the distribution formula outlined in division 54620  
(D) of section 3317.022 of the Revised Code, each school district 54621  
shall receive an additional one per cent in state funding for 54622  
transportation in fiscal year 2009 over what was received in 54623  
fiscal year 2008, and the local share of transportation costs that 54624  
is used in the calculation of the charge-off supplement and excess 54625  
cost supplement for each school district in fiscal year 2009 shall 54626  
be increased by one per cent from that used in calculations in 54627  
fiscal year 2008. 54628

School districts not receiving state funding for 54629  
transportation in fiscal year 2005 under division (D) of section 54630  
3317.022 of the Revised Code shall not receive state funding for 54631  
transportation in fiscal year 2008 or fiscal year 2009. 54632

**Section 269.20.90. BUS PURCHASE ALLOWANCE** 54633

The foregoing appropriation item 200-503, Bus Purchase 54634  
Allowance, shall be distributed to school districts, educational 54635  
service centers, and county MR/DD boards pursuant to rules adopted 54636  
under section 3317.07 of the Revised Code. Up to 28 per cent of 54637  
the amount appropriated may be used to reimburse school districts 54638  
and educational service centers for the purchase of buses to 54639  
transport handicapped and nonpublic school students and to county 54640  
MR/DD boards, the Ohio School for the Deaf, and the Ohio School 54641  
for the Blind for the purchase of buses to transport handicapped 54642  
students. 54643

SCHOOL LUNCH MATCH 54644

The foregoing appropriation item 200-505, School Lunch Match, 54645  
shall be used to provide matching funds to obtain federal funds 54646  
for the school lunch program. 54647

**Section 269.30.10. ADULT LITERACY EDUCATION** 54648

The foregoing appropriation item 200-509, Adult Literacy 54649  
Education, shall be used to support adult basic and literacy 54650  
education instructional programs and the State Literacy Resource 54651  
Center Program. 54652

Of the foregoing appropriation item 200-509, Adult Literacy 54653  
Education, up to \$488,037 in each fiscal year shall be used for 54654  
the support and operation of the State Literacy Resource Center. 54655

Of the foregoing appropriation item 200-509, Adult Literacy 54656  
Education, up to \$175,000 in each fiscal year shall be used for 54657  
state reimbursement to school districts for adult high school 54658  
continuing education programs under section 3313.531 of the 54659  
Revised Code or for costs associated with awarding adult high 54660  
school diplomas under section 3313.611 of the Revised Code. 54661

Of the foregoing appropriation item 200-509, Adult Literacy 54662  
Education, \$130,000 in each fiscal year shall be used to support 54663  
initiatives for English as a Second Language programs. Funding 54664  
shall be distributed as follows: \$60,000 in each fiscal year for 54665  
Jewish Community Federation of Cleveland, \$25,000 in each fiscal 54666  
year for Yassenoff Jewish Community Center of Columbus, \$30,000 in 54667  
each fiscal year for Jewish Family Services of Cincinnati, and 54668  
\$15,000 in each fiscal year for Jewish Family Services of Dayton. 54669

The remainder of the appropriation shall be used to continue 54670  
to satisfy the state match and maintenance of effort requirements 54671  
for the support and operation of the Department of 54672  
Education-administered instructional grant program for adult basic 54673

and literacy education in accordance with the Department's state 54674  
plan for adult basic and literacy education as approved by the 54675  
State Board of Education and the Secretary of the United States 54676  
Department of Education. 54677

**Section 269.30.20. AUXILIARY SERVICES** 54678

The foregoing appropriation item 200-511, Auxiliary Services, 54679  
shall be used by the Department of Education for the purpose of 54680  
implementing section 3317.06 of the Revised Code. Of the 54681  
appropriation, up to \$2,060,000 in fiscal year 2008 and up to 54682  
\$2,121,800 in fiscal year 2009 may be used for payment of the 54683  
Post-Secondary Enrollment Options Program for nonpublic students. 54684  
Notwithstanding section 3365.10 of the Revised Code, the 54685  
Department, in accordance with Chapter 119. of the Revised Code, 54686  
shall adopt rules governing the distribution method for these 54687  
funds. 54688

**POSTSECONDARY ADULT CAREER-TECHNICAL EDUCATION** 54689

Of the foregoing appropriation item 200-514, Postsecondary 54690  
Adult Career-Technical Education, \$40,000 in each fiscal year 54691  
shall be used for statewide coordination of the activities of the 54692  
Ohio Young Farmers. 54693

The remainder of appropriation item 200-514, Postsecondary 54694  
Adult Career-Technical Education, shall be used by the State Board 54695  
of Education to provide postsecondary adult career-technical 54696  
education under sections 3313.52 and 3313.53 of the Revised Code. 54697

**Section 269.30.30. GIFTED PUPIL PROGRAM** 54698

The foregoing appropriation item 200-521, Gifted Pupil 54699  
Program, shall be used for gifted education units not to exceed 54700  
1,110 in each fiscal year under division (L) of section 3317.024 54701  
and division (F) of section 3317.05 of the Revised Code. 54702

Of the foregoing appropriation item 200-521, Gifted Pupil 54703  
Program, up to \$4,747,000 in fiscal year 2008 and up to \$4,794,470 54704  
in fiscal year 2009 may be used as an additional supplement for 54705  
identifying gifted students under Chapter 3324. of the Revised 54706  
Code. 54707

Of the foregoing appropriation item 200-521, Gifted Pupil 54708  
Program, the Department of Education may expend up to \$1,015,858 54709  
in fiscal year 2008 and up to \$1,026,017 in fiscal year 2009 for 54710  
the Summer Honors Institute, including funding for the Martin 54711  
Essex Program, which shall be awarded through a request for 54712  
proposals process. 54713

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 54714

The foregoing appropriation item 200-532, Nonpublic 54715  
Administrative Cost Reimbursement, shall be used by the Department 54716  
of Education for the purpose of implementing section 3317.063 of 54717  
the Revised Code. 54718

**Section 269.30.40. OHIO CORE SUPPORT** 54719

The foregoing appropriation item 200-536, Ohio Core Support, 54720  
shall be used to support implementation of the Ohio Core Program, 54721  
which requires establishment of a rigorous high school curriculum 54722  
for Ohio's high school students. The Department of Education and 54723  
the Board of Regents shall jointly plan and work collaboratively 54724  
to guide implementation of the Ohio Core Program and to administer 54725  
funding to eligible school districts, fiscal agents, individuals, 54726  
and programs as determined under this section. The Department of 54727  
Education and the Board of Regents shall jointly agree to the 54728  
awarding and expenditure of funds appropriated in this section. 54729

Of the foregoing appropriation item 200-536, Ohio Core 54730  
Support, up to \$2,600,000 in fiscal year 2008 and up to \$3,000,000 54731  
in fiscal year 2009 shall be used to support the participation of 54732

teachers licensed in Ohio and mid-career professionals not 54733  
currently employed by a school district or chartered nonpublic 54734  
school or licensed to teach at the primary or secondary education 54735  
levels in a twelve-month intensive training program that leads to 54736  
teacher licensure in a laboratory-based science, advanced 54737  
mathematics, or foreign language field at the secondary education 54738  
level and employment with an Ohio school district school 54739  
designated by the Department of Education as a hard to staff 54740  
school. 54741

Of the foregoing appropriation item 200-536, Ohio Core 54742  
Support, up to \$1,500,000 in fiscal year 2008 and up to \$2,100,000 54743  
in fiscal year 2009 shall be used to support alternative teacher 54744  
licensure programs developed by educational service centers in 54745  
partnership with institutions of higher education. Participants 54746  
shall be teachers licensed in Ohio and mid-career professionals 54747  
not currently employed by a school district or chartered nonpublic 54748  
school or licensed to teach at the primary or secondary education 54749  
levels. Programs shall support teacher licensure in a 54750  
laboratory-based science, advanced mathematics, or foreign 54751  
language field at the secondary education level and employment 54752  
with an Ohio school district school designated by the Department 54753  
of Education as a hard to staff school. The programs shall be 54754  
consistent with the State Board of Education's alternative 54755  
licensure requirements. 54756

Of the foregoing appropriation item 200-536, Ohio Core 54757  
Support, up to \$3,600,000 in each fiscal year shall be distributed 54758  
to school districts, and to public fiscal agents on behalf of 54759  
chartered nonpublic schools, to be used to obtain contracted 54760  
instruction with institutions of higher education in advanced 54761  
mathematics, laboratory-based science, or foreign language for 54762  
public and chartered nonpublic high school students that results 54763  
in dual high school and college credit. Costs shall be based upon 54764

reasonable expenses that institutions of higher education could 54765  
incur for faculty, supplies, and other associated costs. 54766

Of the foregoing appropriation item 200-536, Ohio Core 54767  
Support, up to \$6,425,000 in fiscal year 2009 shall be distributed 54768  
to public school districts for supplemental post-secondary 54769  
enrollment option participation. The Partnership for Continued 54770  
Learning shall make program recommendations by October 31, 2007, 54771  
to the Department of Education and the Board of Regents to remove 54772  
school district barriers to participation and improve the quality 54773  
of course offerings, ensuring that credit earned at institutions 54774  
of higher education will apply toward high school graduation 54775  
requirements and associate or baccalaureate degree requirements. 54776  
Eligibility requirements and grant amounts awarded to school 54777  
districts in fiscal year 2009 for the program shall be determined 54778  
by criteria established by the Department of Education in 54779  
collaboration with the Board of Regents and the Partnership for 54780  
Continued Learning. 54781

**Section 269.30.50. SPECIAL EDUCATION ENHANCEMENTS** 54782

Of the foregoing appropriation item 200-540, Special 54783  
Education Enhancements, up to \$2,906,875 in each fiscal year shall 54784  
be used for home instruction for children with disabilities; up to 54785  
\$1,462,500 in each fiscal year shall be used for parent mentoring 54786  
programs; and up to \$2,783,396 in each fiscal year may be used for 54787  
school psychology interns. 54788

Of the foregoing appropriation item 200-540, Special 54789  
Education Enhancements, \$750,000 in each fiscal year shall be used 54790  
for the Out of School Initiative of Sinclair Community College. 54791

Of the foregoing appropriation item 200-540, Special 54792  
Education Enhancements, \$200,000 shall be used for a preschool 54793  
special education pilot program in Bowling Green City School 54794  
District. 54795

Of the foregoing appropriation item 200-540, Special 54796  
Education Enhancements, \$200,000 in each fiscal year shall be used 54797  
to support the Bellefaire Jewish Children's Bureau. 54798

Of the foregoing appropriation item 200-540, Special 54799  
Education Enhancements, up to \$82,707,558 in fiscal year 2008 and 54800  
up to \$83,371,505 in fiscal year 2009 shall be distributed by the 54801  
Department of Education to county boards of mental retardation and 54802  
developmental disabilities, educational service centers, and 54803  
school districts for preschool special education units and 54804  
preschool supervisory units under section 3317.052 of the Revised 54805  
Code. The Department may reimburse county boards of mental 54806  
retardation and developmental disabilities, educational service 54807  
centers, and school districts for related services as defined in 54808  
rule 3301-51-11 of the Administrative Code, for preschool 54809  
occupational and physical therapy services provided by a physical 54810  
therapy assistant and certified occupational therapy assistant, 54811  
and for an instructional assistant. To the greatest extent 54812  
possible, the Department of Education shall allocate these units 54813  
to school districts and educational service centers. 54814

No physical therapy assistant who provides services under 54815  
this section shall fail to practice in accordance with the 54816  
requirements of Chapter 4755. of the Revised Code and rules 54817  
4755-27-02 and 4755-27-03 of the Administrative Code. No 54818  
occupational therapy assistant who provides services under this 54819  
section shall fail to practice in accordance with the requirements 54820  
of Chapter 4755. of the Revised Code and rules 4755-7-01 and 54821  
4755-7-03 of the Administrative Code. 54822

The Department of Education shall require school districts, 54823  
educational service centers, and county MR/DD boards serving 54824  
preschool children with disabilities to document child progress 54825  
using research-based indicators prescribed by the Department and 54826  
report results annually. The reporting dates and method shall be 54827



determined by the Department. 54828

Of the foregoing appropriation item 200-540, Special 54829  
Education Enhancements, up to \$405,000 in each fiscal year shall 54830  
be used for the Collaborative Language and Literacy Instruction 54831  
Project. 54832

Of the foregoing appropriation item 200-540, Special 54833  
Education Enhancements, \$325,000 in each fiscal year shall be used 54834  
by the Ohio Center for Autism and Low Incidence to contract with 54835  
the Delaware-Union Educational Service Center for the provision of 54836  
autism transition services. 54837

Of the foregoing appropriation item 200-540, Special 54838  
Education Enhancements, \$75,000 in each fiscal year shall be used 54839  
for Leaf Lake/Geauga Educational Assistance Funding. 54840

The remainder of appropriation item 200-540, Special 54841  
Education Enhancements, shall be used to fund special education 54842  
and related services at county boards of mental retardation and 54843  
developmental disabilities for eligible students under section 54844  
3317.20 of the Revised Code and at institutions for eligible 54845  
students under section 3317.201 of the Revised Code. 54846

**Section 269.30.60. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 54847

Of the foregoing appropriation item 200-545, Career-Technical 54848  
Education Enhancements, up to \$2,509,152 in fiscal year 2008 and 54849  
up to \$2,584,427 in fiscal year 2009 shall be used to fund 54850  
career-technical education units at institutions. 54851

Of the foregoing appropriation item 200-545, Career-Technical 54852  
Education Enhancements, up to \$2,621,507 in each fiscal year shall 54853  
be used by the Department of Education to fund competitive grants 54854  
to tech prep consortia that expand the number of students enrolled 54855  
in tech prep programs. These grant funds shall be used to directly 54856  
support expanded tech prep programs, including equipment, provided 54857

to students enrolled in school districts, including joint 54858  
vocational school districts, and affiliated higher education 54859  
institutions. 54860

Of the foregoing appropriation item 200-545, Career-Technical 54861  
Education Enhancements, up to \$3,401,000 in each fiscal year shall 54862  
be used by the Department of Education to support existing High 54863  
Schools That Work (HSTW) sites, develop and support new sites, 54864  
fund technical assistance, and support regional centers and middle 54865  
school programs. The purpose of HSTW is to combine challenging 54866  
academic courses and modern career-technical studies to raise the 54867  
academic achievement of students. HSTW provides intensive 54868  
technical assistance, focused staff development, targeted 54869  
assessment services, and ongoing communications and networking 54870  
opportunities. 54871

Of the foregoing appropriation item 200-545, Career-Technical 54872  
Education Enhancements, up to \$466,992 in each fiscal year shall 54873  
be allocated for the Ohio Career Information System (OCIS) and 54874  
used for the dissemination of career information data to public 54875  
schools, libraries, rehabilitation centers, two- and four-year 54876  
colleges and universities, and other governmental units. 54877

Of the foregoing appropriation item 200-545, Career-Technical 54878  
Educational Enhancements, up to \$300,000 in each fiscal year shall 54879  
be used by the Department of Education to enable students in 54880  
agricultural programs to enroll in a fifth quarter of instruction 54881  
based on the agricultural education model of delivering work-based 54882  
learning through supervised agricultural experience. The 54883  
Department of Education shall determine eligibility criteria and 54884  
the reporting process for the Agriculture 5th Quarter Project and 54885  
shall fund as many programs as possible given the set aside. 54886

**Section 269.30.70. FOUNDATION FUNDING** 54887

The foregoing appropriation item 200-550, Foundation Funding, 54888

includes \$75,000,000 in each fiscal year for the state education 54889  
aid offset due to the change in public utility valuation as a 54890  
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 54891  
General Assembly. This amount represents the total state education 54892  
aid offset due to the valuation change for school districts and 54893  
joint vocational school districts from all relevant appropriation 54894  
line item sources. Upon certification by the Department of 54895  
Education, in consultation with the Department of Taxation, to the 54896  
Director of Budget and Management of the actual state aid offset, 54897  
the cash transfer from Fund 053, appropriation item 200-900, 54898  
School District Property Tax Replacement - Utility, shall be 54899  
decreased or increased by the Director of Budget and Management to 54900  
match the certification in accordance with section 5727.84 of the 54901  
Revised Code. 54902

The foregoing appropriation item 200-550, Foundation Funding, 54903  
includes \$58,000,000 in fiscal year 2008 and \$145,000,000 in 54904  
fiscal year 2009 for the state education aid offset because of the 54905  
changes in tangible personal property valuation as a result of Am. 54906  
Sub. H.B. 66 of the 126th General Assembly. This amount represents 54907  
the total state education aid offset because of the valuation 54908  
change for school districts and joint vocational school districts 54909  
from all relevant appropriation item sources. Upon certification 54910  
by the Department of Education of the actual state education aid 54911  
offset to the Director of Budget and Management, the cash transfer 54912  
from Fund 047, appropriation item 200-909, School District 54913  
Property Tax Replacement - Business, shall be decreased or 54914  
increased by the Director of Budget and Management to match the 54915  
certification in accordance with section 5751.21 of the Revised 54916  
Code. 54917

Of the foregoing appropriation item 200-550, Foundation 54918  
Funding, up to \$425,000 shall be expended in each fiscal year for 54919  
court payments under section 2151.357 of the Revised Code; an 54920

amount shall be available in each fiscal year to fund up to 225 54921  
full-time equivalent approved GRADS teacher grants under division 54922  
(N) of section 3317.024 of the Revised Code; an amount shall be 54923  
available in each fiscal year to make payments to school districts 54924  
under division (A)(3) of section 3317.022 of the Revised Code; an 54925  
amount shall be available in each fiscal year to make payments to 54926  
school districts under division (F) of section 3317.022 of the 54927  
Revised Code; and up to \$30,000,000 in each fiscal year shall be 54928  
reserved for payments under sections 3317.026, 3317.027, and 54929  
3317.028 of the Revised Code except that the Controlling Board may 54930  
increase the \$30,000,000 amount if presented with such a request 54931  
from the Department of Education. 54932

Of the foregoing appropriation item 200-550, Foundation 54933  
Funding, up to \$19,770,000 in fiscal year 2008 and up to 54934  
\$20,545,200 in fiscal year 2009 shall be used to provide 54935  
additional state aid to school districts for special education 54936  
students under division (C)(3) of section 3317.022 of the Revised 54937  
Code, except that the Controlling Board may increase these amounts 54938  
if presented with such a request from the Department of Education 54939  
at the final meeting of the fiscal year; up to \$2,000,000 in each 54940  
fiscal year shall be reserved for Youth Services tuition payments 54941  
under section 3317.024 of the Revised Code; and up to \$52,000,000 54942  
in each fiscal year shall be reserved to fund the state 54943  
reimbursement of educational service centers under section 3317.11 54944  
of the Revised Code and the section of this act entitled 54945  
"EDUCATIONAL SERVICE CENTERS FUNDING." An amount shall be 54946  
available for special education weighted funding under division 54947  
(C)(1) of section 3317.022 and division (D)(1) of section 3317.16 54948  
of the Revised Code. 54949

Of the foregoing appropriation item 200-550, Foundation 54950  
Funding, an amount shall be available in each fiscal year to be 54951  
used by the Department of Education for transitional aid for 54952

school districts and joint vocational school districts. Funds 54953  
shall be distributed under the sections of this act entitled 54954  
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 54955  
DISTRICTS" and "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 54956  
DISTRICTS." 54957

Of the foregoing appropriation item 200-550, Foundation 54958  
Funding, up to \$1,000,000 in each fiscal year shall be used by the 54959  
Department of Education for a program to pay for educational 54960  
services for youth who have been assigned by a juvenile court or 54961  
other authorized agency to any of the facilities described in 54962  
division (A) of the section of this act entitled "PRIVATE 54963  
TREATMENT FACILITY PROJECT." 54964

Of the foregoing appropriation item 200-550, Foundation 54965  
Funding, up to \$3,700,000 in each fiscal year shall be used for 54966  
school breakfast programs. Of this amount, up to \$900,000 shall be 54967  
used in each fiscal year by the Department of Education to 54968  
contract with the Children's Hunger Alliance to expand access to 54969  
child nutrition programs consistent with the organization's 54970  
continued ability to meet specified performance measures as 54971  
detailed in the contract. Of this amount, the Children's Hunger 54972  
Alliance shall use at least \$150,000 in each fiscal year to 54973  
subcontract with an appropriate organization or organizations to 54974  
expand summer food participation in underserved areas of the 54975  
state, consistent with those organizations' continued ability to 54976  
meet specified performance measures as detailed in the 54977  
subcontracts. The remainder of the appropriation shall be used to 54978  
partially reimburse school buildings within school districts that 54979  
are required to have a school breakfast program under section 54980  
3313.813 of the Revised Code, at a rate decided by the Department. 54981

Of the foregoing appropriation item 200-550, Foundation 54982  
Funding, up to \$8,686,000 in fiscal year 2008 and up to \$8,722,860 54983  
in fiscal year 2009 shall be used to operate the school choice 54984

program in the Cleveland Municipal School District under sections 54985  
3313.974 to 3313.979 of the Revised Code. 54986

Of the portion of the funds distributed to the Cleveland 54987  
Municipal School District under this section, up to \$11,901,887 in 54988  
each fiscal year shall be used to operate the school choice 54989  
program in the Cleveland Municipal School District under sections 54990  
3313.974 to 3313.979 of the Revised Code. 54991

Of the foregoing appropriation item 200-550, Foundation 54992  
Funding, \$2,400,000 in fiscal year 2008 and \$2,700,000 in fiscal 54993  
year 2009 shall be used in conjunction with funding appropriated 54994  
under appropriation item 200-408, Early Childhood Education, to 54995  
pay the costs of early childhood education programs under Section 54996  
269.10.20 of this act. 54997

The remaining portion of appropriation item 200-550, 54998  
Foundation Funding, shall be expended for the public schools of 54999  
city, local, exempted village, and joint vocational school 55000  
districts, including base-cost funding, special education speech 55001  
service enhancement funding, career-technical education weight 55002  
funding, career-technical education associated service funding, 55003  
teacher training and experience funding, charge-off supplement, 55004  
and excess cost supplement under sections 3317.022, 3317.023, 55005  
3317.0216, and 3317.16 of the Revised Code. 55006

Appropriation items 200-502, Pupil Transportation, 200-521, 55007  
Gifted Pupil Program, 200-540, Special Education Enhancements, and 55008  
200-550, Foundation Funding, other than specific set-asides, are 55009  
collectively used in each fiscal year to pay state formula aid 55010  
obligations for school districts and joint vocational school 55011  
districts under Chapter 3317. of the Revised Code. The first 55012  
priority of these appropriation items, with the exception of 55013  
specific set-asides, is to fund state formula aid obligations 55014  
under Chapter 3317. of the Revised Code. It may be necessary to 55015  
reallocate funds among these appropriation items or use excess 55016

funds from other general revenue fund appropriation items in the 55017  
Department of Education's budget in each fiscal year, in order to 55018  
meet state formula aid obligations. If it is determined that it is 55019  
necessary to transfer funds among these appropriation items or to 55020  
transfer funds from other General Revenue Fund appropriations in 55021  
the Department of Education's budget to meet state formula aid 55022  
obligations, the Department of Education shall seek approval from 55023  
the Controlling Board to transfer funds as needed. 55024

**Section 269.30.80.** TRANSITIONAL AID FOR CITY, LOCAL, AND 55025  
EXEMPTED VILLAGE SCHOOL DISTRICTS 55026

(A) The Department of Education shall distribute funds within 55027  
appropriation item 200-550, Foundation Funding, for transitional 55028  
aid in each fiscal year to each qualifying city, local, and 55029  
exempted village school district. 55030

For fiscal years 2008 and 2009, the Department shall pay 55031  
transitional aid to each city, local, or exempted village school 55032  
district that experiences any decrease in its SF-3 funding for the 55033  
current fiscal year from its transitional aid guarantee base for 55034  
the current fiscal year. The amount of the transitional aid 55035  
payment shall equal the difference between the district's SF-3 55036  
funding for the current fiscal year and its transitional aid 55037  
guarantee base for the current fiscal year. 55038

(B)(1) Subject to divisions (B)(3) and (4) of this section, 55039  
the transitional aid guarantee base for each city, local, and 55040  
exempted village school district for fiscal year 2008 equals the 55041  
sum of the following as computed for fiscal year 2007, as 55042  
determined based on the final reconciliation of data by the 55043  
Department: 55044

(a) Base-cost funding under division (A) of section 3317.022 55045  
of the Revised Code; 55046

(b) Special education and related services additional weighted funding under division (C)(1) of section 3317.022 of the Revised Code;	55047 55048 55049
(c) Speech services funding under division (C)(4) of section 3317.022 of the Revised Code;	55050 55051
(d) Vocational education additional weighted funding under division (E) of section 3317.022 of the Revised Code;	55052 55053
(e) GRADS funding under division (N) of section 3317.024 of the Revised Code;	55054 55055
(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;	55056 55057 55058
(g) Poverty-Based Assistance under section 3317.029 of the Revised Code;	55059 55060
(h) Gifted education units under division (L) of section 3317.024 and section 3317.05 of the Revised Code;	55061 55062
(i) Transportation under Section 206.09.21 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended;	55063 55064
(j) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	55065 55066
(k) Parity aid under section 3317.0217 of the Revised Code;	55067
(l) The reappraisal guarantee under division (C) of section 3317.04 of the Revised Code;	55068 55069
(m) The charge-off supplement under section 3317.0216 of the Revised Code;	55070 55071
(n) Transitional aid under Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended.	55072 55073
(2) Subject to divisions (B)(3) and (4) of this section, the transitional aid guarantee base for each city, local, and exempted	55074 55075



village school district for fiscal year 2009 equals the sum of the 55076  
following as computed for fiscal year 2008, as determined based on 55077  
the final reconciliation of data by the Department: 55078

(a) Base-cost funding under division (A) of section 3317.022 55079  
of the Revised Code; 55080

(b) Special education and related services additional 55081  
weighted funding under division (C)(1) of section 3317.022 of the 55082  
Revised Code; 55083

(c) Speech services funding under division (C)(4) of section 55084  
3317.022 of the Revised Code; 55085

(d) Vocational education additional weighted funding under 55086  
division (E) of section 3317.022 of the Revised Code; 55087

(e) GRADS funding under division (N) of section 3317.024 of 55088  
the Revised Code; 55089

(f) Adjustments for classroom teachers and educational 55090  
service personnel under divisions (B), (C), and (D) of section 55091  
3317.023 of the Revised Code; 55092

(g) Gifted education units under division (L) of section 55093  
3317.024 and section 3317.05 of the Revised Code; 55094

(h) Transportation under the section of this act entitled 55095  
"PUPIL TRANSPORTATION"; 55096

(i) The excess cost supplement under division (F) of section 55097  
3317.022 of the Revised Code; 55098

(j) The charge-off supplement under section 3317.0216 of the 55099  
Revised Code; 55100

(k) Transitional aid under this section. 55101

(3) The SF-3 funding for each fiscal year for each district 55102  
is the sum of the amounts specified in divisions (B)(2)(a) to (k) 55103  
of this section less any general revenue fund spending reductions 55104

ordered by the Governor under section 126.05 of the Revised Code. 55105

(4) Notwithstanding divisions (B)(1) and (2) of this section, 55106  
if the Superintendent of Public Instruction determines that the 55107  
transitional aid guarantee base for a given fiscal year reflects 55108  
an error in formula ADM, the Superintendent may consult with the 55109  
Director of Budget and Management, and then adjust the 55110  
transitional aid guarantee base for that fiscal year. 55111

**Section 269.30.90. TRANSITIONAL AID FOR JOINT VOCATIONAL 55112**  
SCHOOL DISTRICTS 55113

(A) The Department of Education shall distribute funds within 55114  
appropriation item 200-550, Foundation Funding, for transitional 55115  
aid in each fiscal year to each joint vocational school district 55116  
that experiences a decrease in its joint vocational funding for 55117  
the current fiscal year from the previous fiscal year. The 55118  
Department shall distribute to each such district transitional aid 55119  
in an amount equal to the decrease in the district's joint 55120  
vocational funding from the previous fiscal year. 55121

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 55122  
district's joint vocational funding equals the sum of the 55123  
following: 55124

(a) Base-cost funding under division (B) of section 3317.16 55125  
of the Revised Code; 55126

(b) Special education and related services additional 55127  
weighted funding under division (D)(1) of section 3317.16 of the 55128  
Revised Code; 55129

(c) Speech services funding under division (D)(2) of section 55130  
3317.16 of the Revised Code; 55131

(d) Vocational education additional weighted funding under 55132  
division (C) of section 3317.16 of the Revised Code; 55133

(e) GRADS funding under division (N) of section 3317.024 of 55134

the Revised Code. 55135

(2) For purposes of calculating transitional aid for fiscal 55136  
year 2008, a district's fiscal year 2007 joint vocational funding 55137  
is the sum of the amounts described in divisions (B)(1)(a) to (e) 55138  
of this section, plus any transitional aid paid to the district 55139  
under Section 206.09.42 of Am. Sub. H.B. 66 of the 126th General 55140  
Assembly, as subsequently amended, that the district actually 55141  
received for fiscal year 2007, as determined based on the final 55142  
reconciliation of data by the Department. For purposes of 55143  
calculating transitional aid for fiscal year 2009, a district's 55144  
fiscal year 2008 joint vocational funding is the sum of the 55145  
amounts described in divisions (B)(1)(a) to (e) of this section, 55146  
plus any transitional aid paid to the district under this section, 55147  
that the district actually received for fiscal year 2008, as 55148  
determined based on the final reconciliation of data by the 55149  
Department. 55150

(3) The joint vocational funding for each fiscal year for 55151  
each district is the sum of the amounts specified in divisions 55152  
(B)(1)(a) to (e) and (B)(2) of this section less any general 55153  
revenue fund spending reductions ordered by the Governor under 55154  
section 126.05 of the Revised Code. 55155

**Section 269.40.10. LITERACY IMPROVEMENT-CLASSROOM GRANTS** 55156

The foregoing appropriation item 200-566, Literacy 55157  
Improvement-Classroom Grants, shall be disbursed by the Department 55158  
of Education to provide reading improvement grants to public 55159  
schools in city, local, and exempted village school districts; 55160  
community schools; and educational service centers serving 55161  
kindergarten through twelfth grade students to help struggling 55162  
students improve their reading skills, improve reading outcomes in 55163  
low-performing schools, and help close achievement gaps. 55164

VIOLENCE PREVENTION AND SCHOOL SAFETY	55165
Of the foregoing appropriation item 200-578, Violence Prevention and School Safety, up to \$224,250 in each fiscal year shall be used to fund a safe school center to provide resources for parents and for school and law enforcement personnel.	55166 55167 55168 55169
The remainder of the appropriation shall be distributed based on guidelines developed by the Department of Education to enhance school safety. The guidelines shall provide a list of research-based best practices and programs from which local grantees shall select based on local needs. These practices shall include, but not be limited to, school resource officers and safe and drug free school coordinators and social-emotional development programs.	55170 55171 55172 55173 55174 55175 55176 55177
<b>Section 269.40.20. PROPERTY TAX ALLOCATION - EDUCATION</b>	55178
The Superintendent of Public Instruction shall not request, and the Controlling Board shall not approve, the transfer of funds from appropriation item 200-901, Property Tax Allocation - Education, to any other appropriation item.	55179 55180 55181 55182
The appropriation item 200-901, Property Tax Allocation - Education, is appropriated to pay for the state's costs incurred because of the homestead exemption and the property tax rollback. In cooperation with the Department of Taxation, the Department of Education shall distribute these funds directly to the appropriate school districts of the state, notwithstanding sections 321.24 and 323.156 of the Revised Code, which provide for payment of the homestead exemption and property tax rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.	55183 55184 55185 55186 55187 55188 55189 55190 55191 55192 55193
Appropriation item 200-906, Tangible Tax Exemption -	55194

Education, is appropriated to pay for the state's costs incurred 55195  
because of the tangible personal property tax exemption required 55196  
by division (C)(3) of section 5709.01 of the Revised Code. In 55197  
cooperation with the Department of Taxation, the Department of 55198  
Education shall distribute to each county treasurer the total 55199  
amount appearing in the notification from the county treasurer 55200  
under division (G) of section 321.24 of the Revised Code, for all 55201  
school districts located in the county, notwithstanding section 55202  
321.24 of the Revised Code insofar as it provides for payment of 55203  
the \$10,000 tangible personal property tax exemption by the Tax 55204  
Commissioner to the appropriate county treasurer for all local 55205  
taxing districts located in the county. Pursuant to division (G) 55206  
of section 321.24 of the Revised Code, the county auditor shall 55207  
distribute the amount paid by the Department of Education among 55208  
the appropriate school districts. 55209

Upon receipt of these amounts, each school district shall 55210  
distribute the amount among the proper funds as if it had been 55211  
paid as real or tangible personal property taxes. Payments for the 55212  
costs of administration shall continue to be paid to the county 55213  
treasurer and county auditor as provided for in sections 319.54, 55214  
321.26, and 323.156 of the Revised Code. 55215

Any sums, in addition to the amounts specifically 55216  
appropriated in appropriation items 200-901, Property Tax 55217  
Allocation - Education, for the homestead exemption and the 55218  
property tax rollback payments, and 200-906, Tangible Tax 55219  
Exemption - Education, for the \$10,000 tangible personal property 55220  
tax exemption payments, which are determined to be necessary for 55221  
these purposes, are hereby appropriated. 55222

**Section 269.40.30. TEACHER CERTIFICATION AND LICENSURE** 55223

The foregoing appropriation item 200-681, Teacher 55224  
Certification and Licensure, shall be used by the Department of 55225

Education in each year of the biennium to administer and support 55226  
teacher certification and licensure activities. 55227

SCHOOL DISTRICT SOLVENCY ASSISTANCE 55228

Of the foregoing appropriation item 200-687, School District 55229  
Solvency Assistance, \$9,000,000 in each fiscal year shall be 55230  
allocated to the School District Shared Resource Account and 55231  
\$9,000,000 in each fiscal year shall be allocated to the 55232  
Catastrophic Expenditures Account. These funds shall be used to 55233  
provide assistance and grants to school districts to enable them 55234  
to remain solvent under section 3316.20 of the Revised Code. 55235  
Assistance and grants shall be subject to approval by the 55236  
Controlling Board. Any required reimbursements from school 55237  
districts for solvency assistance shall be made to the appropriate 55238  
account in the School District Solvency Assistance Fund (Fund 55239  
5H3). 55240

Notwithstanding any provision of law to the contrary, upon 55241  
the request of the Superintendent of Public Instruction, the 55242  
Director of Budget and Management may make transfers to the School 55243  
District Solvency Assistance Fund (Fund 5H3) from any Department 55244  
of Education-administered fund or the General Revenue Fund to 55245  
maintain sufficient cash balances in the School District Solvency 55246  
Assistance Fund (Fund 5H3) in fiscal years 2008 and 2009. Any 55247  
funds transferred are hereby appropriated. The transferred funds 55248  
may be used by the Department of Education to provide assistance 55249  
and grants to school districts to enable them to remain solvent 55250  
and to pay unforeseeable expenses of a temporary or emergency 55251  
nature that the school district is unable to pay from existing 55252  
resources. The Director of Budget and Management shall notify the 55253  
members of the Controlling Board of any such transfers. 55254

**Section 269.40.40. READING FIRST** 55255

The foregoing appropriation item 200-632, Reading First, 55256

shall be used by school districts to administer federal diagnostic 55257  
tests as well as other functions permitted by federal statute. 55258  
Notwithstanding section 3301.079 of the Revised Code, federal 55259  
diagnostic tests may be recognized as meeting the state diagnostic 55260  
testing requirements outlined in section 3301.079 of the Revised 55261  
Code. 55262

IMPROVING TEACHER QUALITY 55263

For fiscal years 2008 and 2009, the Department of Education 55264  
shall provide funding to the Ohio Wyami Appalachian Teacher 55265  
Cohorts Program under the Columbiana County Educational Service 55266  
Center to provide teacher professional development in Ohio's 55267  
Appalachian counties. The program shall provide professional 55268  
development that is based on a review of scientifically based 55269  
research and is expected to improve student academic achievement 55270  
as required by Title II of the "No Child Left Behind Act of 2001," 55271  
115 Stat. 1425, 20 U.S.C. 6612 et seq., for approximately eighty 55272  
public and charter nonpublic teachers from Ohio's Appalachian 55273  
counties each year. The Department of Education shall provide 55274  
\$900,000 in federal grant funds from the State Grants for 55275  
Improving Teacher Quality Program to the Columbiana County 55276  
Educational Service Center for this purpose. The Center shall not 55277  
expend these funds outside of Ohio. 55278

HALF-MILL MAINTENANCE EQUALIZATION 55279

The foregoing appropriation item 200-626, Half-Mill 55280  
Maintenance Equalization, shall be used to make payments pursuant 55281  
to section 3318.18 of the Revised Code. 55282

**Section 269.40.50.** START-UP FUNDS 55283

Funds appropriated for the purpose of providing start-up 55284  
grants to Title IV-A Head Start and Title IV-A Head Start Plus 55285  
agencies in fiscal year 2004 and fiscal year 2005 for the 55286

provision of services to children eligible for Title IV-A services 55287  
under the Title IV-A Head Start or Title IV-A Head Start Plus 55288  
programs shall be reimbursed to the General Revenue Fund as 55289  
follows: 55290

(A) If, for fiscal year 2008, an entity that was a Title IV-A 55291  
Head Start or Title IV-A Head Start Plus agency will not be an 55292  
early learning agency or early learning provider, the entity shall 55293  
repay the entire amount of the start-up grant it received in 55294  
fiscal year 2004 and fiscal year 2005 not later than June 30, 55295  
2009, in accordance with a payment schedule agreed to by the 55296  
Department of Education. 55297

(B) If an entity that was a Title IV-A Head Start or Title 55298  
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 55299  
2005 will be an early learning agency or early learning provider 55300  
in fiscal year 2008 and fiscal year 2009, the entity shall be 55301  
allowed to retain any amount of the start-up grant it received. 55302

(C) Within ninety days after the effective date of this 55303  
section, the Title IV-A Head Start agencies, Title IV-A Head Start 55304  
Plus agencies, and the Department of Education shall determine the 55305  
repayment schedule for amounts owed under division (A) of this 55306  
section. These amounts shall be paid to the state not later than 55307  
June 30, 2009. 55308

(D) If an entity that was a Title IV-A Head Start or Title 55309  
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 55310  
2005 owed the state any portion of the start-up grant amount 55311  
during fiscal year 2006 or fiscal year 2007 but failed to repay 55312  
the entire amount of the obligation by June 30, 2007, the entity 55313  
shall be given an extension for repayment through June 30, 2009, 55314  
before any amounts remaining due and payable to the state are 55315  
referred to the Attorney General for collection under section 55316  
131.02 of the Revised Code. 55317



(E) Any Title IV-A Head Start or Title IV-A Head Start Plus 55318  
start-up grants that are retained by early learning agencies or 55319  
early learning providers pursuant to this section shall be 55320  
reimbursed to the General Revenue Fund when the early learning 55321  
program ceases or is no longer funded from Title IV-A or if an 55322  
early learning agency's or early learning provider's participation 55323  
in the early learning program ceases or is terminated. 55324

**Section 269.40.60. AUXILIARY SERVICES REIMBURSEMENT** 55325

Notwithstanding section 3317.064 of the Revised Code, if the 55326  
unobligated cash balance is sufficient, the Treasurer of State 55327  
shall transfer \$1,500,000 in fiscal year 2008 within thirty days 55328  
after the effective date of this section, and \$1,500,000 in fiscal 55329  
year 2009 by August 1, 2008, from the Auxiliary Services Personnel 55330  
Unemployment Compensation Fund to the Department of Education's 55331  
Auxiliary Services Reimbursement Fund (Fund 598). 55332

**Section 269.40.70. LOTTERY PROFITS EDUCATION FUND** 55333

Appropriation item 200-612, Foundation Funding (Fund 017), 55334  
shall be used in conjunction with appropriation item 200-550, 55335  
Foundation Funding (GRF), to provide payments to school districts 55336  
under Chapter 3317. of the Revised Code. 55337

The Department of Education, with the approval of the 55338  
Director of Budget and Management, shall determine the monthly 55339  
distribution schedules of appropriation item 200-550, Foundation 55340  
Funding (GRF), and appropriation item 200-612, Foundation Funding 55341  
(Fund 017). If adjustments to the monthly distribution schedule 55342  
are necessary, the Department of Education shall make such 55343  
adjustments with the approval of the Director of Budget and 55344  
Management. 55345

The Director of Budget and Management shall transfer via 55346  
intrastate transfer voucher the amount appropriated under the 55347

Lottery Profits Education Fund for appropriation item 200-682, 55348  
Lease Rental Payment Reimbursement, to the General Revenue Fund on 55349  
a schedule determined by the director. These funds shall support 55350  
the appropriation item 230-428, Lease Rental Payments (GRF), of 55351  
the School Facilities Commission. 55352

**Section 269.40.80. LOTTERY PROFITS EDUCATION RESERVE FUND** 55353

(A) There is hereby created the Lottery Profits Education 55354  
Reserve Fund (Fund 018) in the State Treasury. Investment earnings 55355  
of the Lottery Profits Education Reserve Fund shall be credited to 55356  
the fund. The Superintendent of Public Instruction may certify 55357  
cash balances exceeding \$75,000,000 in the Lottery Profits 55358  
Education Reserve Fund (Fund 018) to the Director of Budget and 55359  
Management in June of any given fiscal year. Prior to making the 55360  
certification, the Superintendent of Public Instruction shall 55361  
determine whether the funds above the \$75,000,000 threshold are 55362  
needed to help pay for foundation program obligations for that 55363  
fiscal year under Chapter 3317. of the Revised Code. If those 55364  
funds are needed for the foundation program, the Superintendent of 55365  
Public Instruction shall notify and consult with the Director of 55366  
Budget and Management to determine the amount that may be 55367  
transferred to the Public School Building Fund (Fund 021). Upon 55368  
this determination, the Director of Budget and Management shall 55369  
transfer the amount from the Lottery Profits Education Reserve 55370  
Fund (Fund 018) to the Public School Building Fund (Fund 021). The 55371  
amount transferred is hereby appropriated to appropriation item 55372  
CAP-622, Public School Buildings. 55373

For fiscal years 2008 and 2009, notwithstanding any 55374  
provisions of law to the contrary, amounts necessary to make loans 55375  
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 55376  
Revised Code are hereby appropriated to the Lottery Profits 55377  
Education Reserve Fund (Fund 018). Loan repayments from loans made 55378

in previous years shall be deposited to the fund. 55379

(B) On July 15, 2007, or as soon as possible thereafter, the 55380  
Director of the Ohio Lottery Commission shall certify to the 55381  
Director of Budget and Management the amount by which lottery 55382  
profit transfers received by the Lottery Profits Education Fund 55383  
(Fund 017) exceeded \$637,900,000 in fiscal year 2007. The Director 55384  
of Budget and Management shall transfer the amount so certified, 55385  
plus the cash balance in Fund 017, to the General Revenue Fund to 55386  
support appropriation item 200-550, Foundation Funding. 55387

55388

(C) On July 15, 2008, or as soon as possible thereafter, the 55389  
Director of the Ohio Lottery Commission shall certify to the 55390  
Director of Budget and Management the amount by which lottery 55391  
profit transfers received by the Lottery Profits Education Fund 55392  
(Fund 017) exceeded \$657,900,000 in fiscal year 2008. The Director 55393  
of Budget and Management may transfer the amount so certified, 55394  
plus the cash balance in Fund 017, to the Lottery Profits 55395  
Education Reserve Fund (Fund 018) or to the General Revenue Fund 55396  
to support appropriation item 200-550, Foundation Funding. 55397

(D) Any amounts transferred under division (B) or (C) of this 55398  
section may be made available by the Controlling Board in fiscal 55399  
years 2008 or 2009, at the request of the Superintendent of Public 55400  
Instruction, to provide assistance and grants to school districts 55401  
to enable them to remain solvent and to pay unforeseeable expenses 55402  
of a temporary or emergency nature that they are unable to pay 55403  
from existing resources under section 3316.20 of the Revised Code, 55404  
and to provide payments to school districts under Chapter 3317. of 55405  
the Revised Code. 55406

**Section 269.40.90. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 55407**  
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 047) 55408

Notwithstanding any provision of law to the contrary, in 55409

fiscal year 2008 and fiscal year 2009 the Director of Budget and Management may make temporary transfers between the General Revenue Fund and the School District Property Tax Replacement - Business Fund (Fund 047) in the Department of Education to ensure sufficient balances in the School District Property Tax Replacement - Business Fund (Fund 047) and to replenish the General Revenue Fund for such transfers.

**Section 269.50.10. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS**

The foregoing appropriation item, 200-909, School District Property Tax Replacement - Business, in Fund 047, shall be used by the Department of Education, in consultation with the Department of Taxation, to make payments to school districts and joint vocational school districts under section 5751.21 of the Revised Code. If it is determined by the Director of Budget and Management that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

**SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY**

The foregoing appropriation item 200-900, School District Property Tax Replacement-Utility, in Fund 053, shall be used by the Department of Education, in consultation with the Department of Taxation, to make payments to school districts and joint vocational school districts under section 5727.85 of the Revised Code.

**\*Section 269.50.20. DISTRIBUTION FORMULAS**

The Department of Education shall report the following to the Director of Budget and Management and the Legislative Service Commission:

(A) Changes in formulas for distributing state appropriations, including administratively defined formula

factors;	55440
(B) Discretionary changes in formulas for distributing federal appropriations;	55441 55442
(C) Federally mandated changes in formulas for distributing federal appropriations.	55443 55444
Any such changes shall be reported two weeks prior to the effective date of the change.	55445 55446
<b>Section 269.50.30. EDUCATIONAL SERVICE CENTERS FUNDING</b>	55447
(A) As used in this section:	55448
(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.	55449 55450
(2) "Service center ADM" has the same meaning as in section 3317.11 of the Revised Code.	55451 55452
(B) Notwithstanding division (F) of section 3317.11 of the Revised Code, no funds shall be provided under that division to an educational service center in either fiscal year for any pupils of a city or exempted village school district unless an agreement to provide services under section 3313.843 of the Revised Code was entered into by January 1, 1997, except that funds shall be provided to an educational service center for any pupils of a city school district if the agreement to provide services was entered into within one year of the date upon which such district changed from a local school district to a city school district.	55453 55454 55455 55456 55457 55458 55459 55460 55461 55462
(C) Notwithstanding any provision of the Revised Code to the contrary, an educational service center that sponsors a community school under Chapter 3314. of the Revised Code in either fiscal year may include the students of that community school in its service center ADM for purposes of state funding under division (F) of section 3317.11 of the Revised Code, unless the community school is an Internet- or computer-based community school. A	55463 55464 55465 55466 55467 55468 55469

service center shall include the community school students in its 55470  
service center ADM only to the extent that the students are not 55471  
already so included, and only in accordance with guidelines issued 55472  
by the Department of Education. If the students of a community 55473  
school sponsored by an educational service center are included in 55474  
the service center ADM of another educational service center, 55475  
those students shall be removed from the service center ADM of the 55476  
other educational service center and added to the service center 55477  
ADM of the community school's sponsoring service center. The 55478  
General Assembly authorizes this procedure as an incentive for 55479  
educational service centers to take over sponsorship of community 55480  
schools from the State Board of Education as the State Board's 55481  
sponsorship is phased out in accordance with Sub. H.B. 364 of the 55482  
124th General Assembly. No student of an Internet- or 55483  
computer-based community school shall be counted in the service 55484  
center ADM of any educational service center. The Department shall 55485  
pay educational service centers under division (F) of section 55486  
3317.11 of the Revised Code for community school students included 55487  
in their service center ADMs under this division only if 55488  
sufficient funds earmarked within appropriation item 200-550, 55489  
Foundation Funding, for payments under that division remain after 55490  
first paying for students attributable to their local and client 55491  
school districts, in accordance with divisions (B) and (D) of this 55492  
section. 55493

(D) If insufficient funds are earmarked within appropriation 55494  
item 200-550, Foundation Funding, for payments under division (F) 55495  
of section 3317.11 of the Revised Code and division (C) of this 55496  
section in fiscal year 2008 or fiscal year 2009, the Department 55497  
shall prioritize the distribution of the earmarked funds as 55498  
follows: 55499

(1) The Department shall first distribute to each educational 55500  
service center the per-student amount specified in division (F) of 55501

section 3317.11 of the Revised Code for each student in its 55502  
service center ADM attributable to the local school districts 55503  
within the service center's territory. 55504

(2) The Department shall distribute the remaining funds in 55505  
each fiscal year to each educational service center for the 55506  
students in its service center ADM attributable to each city and 55507  
exempted village school district that had entered into an 55508  
agreement with an educational service center for that fiscal year 55509  
under section 3313.843 of the Revised Code by January 1, 1997, up 55510  
to the per-student amount specified in division (F) of section 55511  
3317.11 of the Revised Code. If insufficient funds remain to pay 55512  
each service center the full amount specified in division (F) of 55513  
that section for each such student, the Department shall 55514  
distribute the remaining funds to each service center 55515  
proportionally, on a per-student basis for each such student, 55516  
unless that proportional per-student amount exceeds the amount 55517  
specified in division (F)(1) of that section. In that case, the 55518  
Department shall distribute the per-student amount specified in 55519  
division (F)(1) of that section to each service center for each 55520  
such student and shall distribute the remainder proportionally, on 55521  
a per-student basis for each such student, to the multi-county 55522  
service centers described in division (F)(2) of that section. 55523

(3) If the Department has paid each service center under 55524  
divisions (D)(1) and (2) of this section, the full amount 55525  
specified in division (F) of section 3317.11 of the Revised Code 55526  
for each student attributable to its local school districts and 55527  
its client school districts described in division (D)(2) of this 55528  
section the Department shall distribute any remaining funds 55529  
proportionally, on a per-student basis, to each service center 55530  
that sponsors a community school, other than an Internet- or 55531  
computer-based community school, for the students included in the 55532  
service center ADM under division (C) of this section. These 55533

payments shall not exceed per student the amount specified in 55534  
division (F) of section 3317.11 of the Revised Code. 55535

**\*Section 269.50.40.** For the school year commencing July 1, 55536  
2007, or the school year commencing July 1, 2008, or both, the 55537  
Superintendent of Public Instruction may waive for the board of 55538  
education of any school district the ratio of teachers to pupils 55539  
in kindergarten through fourth grade required under paragraph 55540  
(A)(3) of rule 3301-35-05 of the Administrative Code if the 55541  
following conditions apply: 55542

(A) The board of education requests the waiver. 55543

(B) After the Department of Education conducts an on-site 55544  
evaluation of the district related to meeting the required ratio, 55545  
the board of education demonstrates to the satisfaction of the 55546  
Superintendent of Public Instruction that providing the facilities 55547  
necessary to meet the required ratio during the district's regular 55548  
school hours with pupils in attendance would impose an extreme 55549  
hardship on the district. 55550

(C) The board of education provides assurances that are 55551  
satisfactory to the Superintendent of Public Instruction that the 55552  
board will act in good faith to meet the required ratio as soon as 55553  
possible. 55554

**Section 269.50.50. PRIVATE TREATMENT FACILITY PROJECT** 55555

(A) As used in this section: 55556

(1) The following are "participating residential treatment 55557  
centers": 55558

(a) Private residential treatment facilities that have 55559  
entered into a contract with the Department of Youth Services to 55560  
provide services to children placed at the facility by the 55561  
Department and which, in fiscal year 2008 or fiscal year 2009 or 55562



both, the Department pays through appropriation item 470-401, Care and Custody; 55563  
55564

(b) Abraxas, in Shelby; 55565

(c) Paint Creek, in Bainbridge; 55566

(d) Act One, in Akron; 55567

(e) Friars Club, in Cincinnati. 55568

(2) "Education program" means an elementary or secondary education program or a special education program and related services. 55569  
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(3) "Served child" means any child receiving an education program pursuant to division (B) of this section. 55572  
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(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition. 55574  
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(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section. 55579  
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(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary 55582  
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agreement cannot be reached and the residential facility does not 55593  
choose to provide the educational program, the educational service 55594  
center in the county in which the facility is located shall 55595  
provide the educational program at the treatment center to 55596  
children under twenty-two years of age residing in the treatment 55597  
center. 55598

(C) Any school district responsible for tuition for a 55599  
residential child shall, notwithstanding any conflicting provision 55600  
of the Revised Code regarding tuition payment, pay tuition for the 55601  
child for fiscal year 2008 and fiscal year 2009 to the education 55602  
program provider and in the amount specified in this division. If 55603  
there is no school district responsible for tuition for a 55604  
residential child and if the participating residential treatment 55605  
center to which the child is assigned is located in the city, 55606  
exempted village, or local school district that, if the child were 55607  
not a resident of that treatment center, would be the school 55608  
district where the child is entitled to attend school under 55609  
sections 3313.64 and 3313.65 of the Revised Code, that school 55610  
district, notwithstanding any conflicting provision of the Revised 55611  
Code, shall pay tuition for the child for fiscal year 2008 and 55612  
fiscal year 2009 under this division unless that school district 55613  
is providing the educational program to the child under division 55614  
(B) of this section. 55615

A tuition payment under this division shall be made to the 55616  
school district, educational service center, or residential 55617  
treatment facility providing the educational program to the child. 55618

The amount of tuition paid shall be: 55619

(1) The amount of tuition determined for the district under 55620  
division (A) of section 3317.08 of the Revised Code; 55621

(2) In addition, for any student receiving special education 55622  
pursuant to an individualized education program as defined in 55623

section 3323.01 of the Revised Code, a payment for excess costs. 55624  
This payment shall equal the actual cost to the school district, 55625  
educational service center, or residential treatment facility of 55626  
providing special education and related services to the student 55627  
pursuant to the student's individualized education program, minus 55628  
the tuition paid for the child under division (C)(1) of this 55629  
section. 55630

A school district paying tuition under this division shall 55631  
not include the child for whom tuition is paid in the district's 55632  
average daily membership certified under division (A) of section 55633  
3317.03 of the Revised Code. 55634

(D) In each of fiscal years 2008 and 2009, the Department of 55635  
Education shall reimburse, from appropriations made for the 55636  
purpose, a school district, educational service center, or 55637  
residential treatment facility, whichever is providing the 55638  
service, that has demonstrated that it is in compliance with the 55639  
funding criteria for each served child for whom a school district 55640  
must pay tuition under division (C) of this section. The amount of 55641  
the reimbursement shall be the formula amount specified in section 55642  
3317.022 of the Revised Code, except that the department shall 55643  
proportionately reduce this reimbursement if sufficient funds are 55644  
not available to pay this amount to all qualified providers. 55645

(E) Funds provided to a school district, educational service 55646  
center, or residential treatment facility under this section shall 55647  
be used to supplement, not supplant, funds from other public 55648  
sources for which the school district, service center, or 55649  
residential treatment facility is entitled or eligible. 55650

(F) The Department of Education shall track the utilization 55651  
of funds provided to school districts, educational service 55652  
centers, and residential treatment facilities under this section 55653  
and monitor the effect of the funding on the educational programs 55654  
they provide in participating residential treatment facilities. 55655

The department shall monitor the programs for educational 55656  
accountability. 55657

**Section 269.50.60.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL 55658  
ASSESSMENT OF EDUCATION PROGRESS 55659

The General Assembly intends for the Superintendent of Public 55660  
Instruction to provide for school district participation in the 55661  
administration of the National Assessment of Education Progress in 55662  
accordance with section 3301.27 of the Revised Code. Each school 55663  
and school district selected for participation by the 55664  
Superintendent of Public Instruction shall participate. 55665

**Section 269.50.70.** DEPARTMENT OF EDUCATION APPROPRIATION 55666  
TRANSFERS FOR STUDENT ASSESSMENT 55667

In fiscal year 2008 and fiscal year 2009, if the 55668  
Superintendent of Public Instruction determines that additional 55669  
funds are needed to fully fund the requirements of Am. Sub. H.B. 3 55670  
of the 125th General Assembly and this act for assessments of 55671  
student performance, the Superintendent of Public Instruction may 55672  
recommend the reallocation of unspent and unencumbered 55673  
appropriations within the Department of Education to the General 55674  
Revenue Fund appropriation item 200-437, Student Assessment, to 55675  
the Director of Budget and Management. If the Director of Budget 55676  
and Management determines that such a reallocation is required, 55677  
the Director of Budget and Management may transfer unspent and 55678  
unencumbered funds within the Department of Education as necessary 55679  
to appropriation item 200-437, Student Assessment. If these 55680  
unspent and unencumbered funds are not sufficient to fully fund 55681  
the assessment requirements in fiscal year 2008 or fiscal year 55682  
2009, the Superintendent of Public Instruction may request that 55683  
the Controlling Board transfer up to \$9,000,000 cash from the 55684  
Lottery Profits Education Reserve Fund (Fund 018) to the General 55685

Revenue Fund and appropriate these transferred funds to 55686  
appropriation item 200-437, Student Assessment. 55687

**Section 269.50.80.** (A) As used in this section: 55688

(1) "IEP" has the same meaning as in section 3314.08 of the 55689  
Revised Code. 55690

(2) "SBH student" means a student receiving special education 55691  
and related services for severe behavior handicap conditions 55692  
pursuant to an IEP. 55693

(B) This section applies only to a community school 55694  
established under Chapter 3314. of the Revised Code that in each 55695  
of fiscal years 2008 and 2009 enrolls a number of SBH students 55696  
equal to at least fifty per cent of the total number of students 55697  
enrolled in the school in the applicable fiscal year. 55698

(C) In addition to any payments made under section 3314.08 of 55699  
the Revised Code, in each of fiscal years 2008 and 2009, the 55700  
Department of Education shall pay to a community school to which 55701  
this section applies a subsidy equal to the difference between the 55702  
aggregate amount calculated and paid in that fiscal year to the 55703  
community school for special education and related services 55704  
additional weighted costs for the SBH students enrolled in the 55705  
school and the aggregate amount that would have been calculated 55706  
for the school for special education and related services 55707  
additional weighted costs for those same students in fiscal year 55708  
2001. If the difference is a negative number, the amount of the 55709  
subsidy shall be zero. 55710

(D) The amount of any subsidy paid to a community school 55711  
under this section shall not be deducted from the school district 55712  
in which any of the students enrolled in the community school are 55713  
entitled to attend school under section 3313.64 or 3313.65 of the 55714  
Revised Code. The amount of any subsidy paid to a community school 55715

under this section shall be paid from funds appropriated to the 55716  
Department of Education in appropriation item 200-550, Foundation 55717  
Funding. 55718

**Section 269.50.90. EARMARK ACCOUNTABILITY** 55719

At the request of the Superintendent of Public Instruction, 55720  
any entity that receives a budget earmark under the Department of 55721  
Education shall submit annually to the chairpersons of the 55722  
committees of the House of Representatives and the Senate 55723  
primarily concerned with education and to the Department of 55724  
Education a report that includes a description of the services 55725  
supported by the funds, a description of the results achieved by 55726  
those services, an analysis of the effectiveness of the program, 55727  
and an opinion as to the program's applicability to other school 55728  
districts. For an earmarked entity that received state funds from 55729  
an earmark in the prior fiscal year, no funds shall be provided by 55730  
the Department of Education to an earmarked entity for a fiscal 55731  
year until its report for the prior fiscal year has been 55732  
submitted. 55733

**Section 269.60.10.** No community school established under 55734  
Chapter 3314. of the Revised Code that was not open for operation 55735  
as of May 1, 2005, shall operate from a home, as defined in 55736  
section 3313.64 of the Revised Code. 55737

**Section 269.60.30. PLAN TO MOVE ADULT EDUCATION PROGRAMS TO** 55738  
**BOARD OF REGENTS** 55739

The Department of Education shall work collaboratively with 55740  
the Board of Regents to identify adult and career-technical 55741  
education programs, except for adult basic and literacy education 55742  
programs that shall be transferred to the Board of Regents by July 55743  
1, 2008. The purpose of this programmatic transfer is to better 55744  
align and maximize the strength and flexibility of the full array 55745

of Ohio adult workforce education assets to improve the overall 55746  
quality of adult education and training program course and 55747  
training offerings in order to increase the skills and improve the 55748  
employment prospects of adults. 55749

On or after July 1, 2008, notwithstanding any provision of 55750  
law to the contrary, the Director of Budget and Management may 55751  
take the actions described in this section made necessary by the 55752  
movement of adult education and career programs from the 55753  
Department of Education to the Board of Regents. These actions may 55754  
include budget changes made necessary by administrative 55755  
reorganization, program transfers, the creation of new funds, the 55756  
creation of new appropriation items, and the consolidation of 55757  
funds. The Director may transfer cash balances between funds as 55758  
needed. At the request of the Director, the Superintendent of 55759  
Public Instruction shall certify to the Director an estimate of 55760  
the amount of the cash balance to be transferred to the receiving 55761  
fund. The Director may transfer the estimated amount to the Board 55762  
of Regents when needed to make payments. Not more than thirty days 55763  
after certifying the estimated amount, the Superintendent of 55764  
Public Instruction shall certify the final amount to the Director. 55765  
The Director then shall transfer the difference between any amount 55766  
previously transferred and the certified final amount. The 55767  
Director may cancel encumbrances and re-establish encumbrances or 55768  
parts of encumbrances as needed in the appropriate fund and 55769  
appropriation item for the same purpose and to the same vendor. 55770  
The funds necessary to re-establish those encumbrances in a 55771  
different fund or appropriation item within or between the Board 55772  
of Regents and the Department of Education are hereby 55773  
appropriated. The Director shall reduce each year's appropriation 55774  
balances by the amount of the encumbrances canceled in their 55775  
respective funds and appropriation items. Any fiscal year 2008 55776  
unencumbered or unallocated appropriation balances may be 55777  
transferred to the appropriate item to be used for the same 55778

purposes, as determined by the Director. 55779

**Section 269.60.40. SPECIAL EDUCATION SCHOLARSHIP PILOT PROGRAM** 55780  
PROGRAM 55781

The State Board of Education shall initiate rulemaking 55782  
procedures for the rules required under section 3310.63 of the 55783  
Revised Code, as enacted by this act, so that those rules are in 55784  
effect and the Special Education Scholarship Pilot Program is in 55785  
operation by July 1, 2007. 55786

The Department of Education shall conduct a formative 55787  
evaluation of the Special Education Scholarship Pilot Program 55788  
established under sections 3310.51 to 3310.63 of the Revised Code, 55789  
using both quantitative and qualitative analyses, and shall report 55790  
its findings to the General Assembly not later than December 31, 55791  
2009. In conducting the evaluation, the Department shall to the 55792  
extent possible gather comments from parents who have been awarded 55793  
scholarships under the program, school district officials, 55794  
representatives of registered private providers, educators, and 55795  
representatives of educational organizations for inclusion in the 55796  
report required under this section. 55797

**Section 269.60.50. ADULT BASIC AND LITERACY PROGRAMS** 55798

Adult basic and literacy programs shall remain under the 55799  
Department of Education. 55800

**Section 269.60.60. UNAUDITABLE COMMUNITY SCHOOL** 55801

(A) If the Auditor of State or a public accountant, pursuant 55802  
to section 117.41 of the Revised Code, declares a community school 55803  
established under Chapter 3314. of the Revised Code to be 55804  
unauditable, the Auditor of State shall provide written 55805  
notification of that declaration to the school, the school's 55806  
sponsor, and the Department of Education. The Auditor of State 55807



also shall post the notification on the Auditor of State's web 55808  
site. 55809

(B) Notwithstanding any provision to the contrary in Chapter 55810  
3314. of the Revised Code or any other provision of law, a sponsor 55811  
of a community school that is notified by the Auditor of State 55812  
under division (A) of this section that a community school it 55813  
sponsors is unauditabile shall not enter into contracts with any 55814  
additional community schools under section 3314.03 of the Revised 55815  
Code until the Auditor of State or a public accountant has 55816  
completed a financial audit of that school. 55817

(C) Not later than forty-five days after receiving 55818  
notification by the Auditor of State under division (A) of this 55819  
section that a community school is unauditabile, the sponsor of the 55820  
school shall provide a written response to the Auditor of State. 55821  
The response shall include the following: 55822

(1) An overview of the process the sponsor will use to review 55823  
and understand the circumstances that led to the community school 55824  
becoming unauditabile; 55825

(2) A plan for providing the Auditor of State with the 55826  
documentation necessary to complete an audit of the community 55827  
school and for ensuring that all financial documents are available 55828  
in the future; 55829

(3) The actions the sponsor will take to ensure that the plan 55830  
described in division (C)(2) of this section is implemented. 55831

(D) If a community school fails to make reasonable efforts 55832  
and continuing progress to bring its accounts, records, files, or 55833  
reports into an auditabile condition within ninety days after being 55834  
declared unauditabile, the Auditor of State, in addition to 55835  
requesting legal action under sections 117.41 and 117.42 of the 55836  
Revised Code, shall notify the Department of the school's failure. 55837  
If the Auditor of State or a public accountant subsequently is 55838

able to complete a financial audit of the school, the Auditor of State shall notify the Department that the audit has been completed. 55839  
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(E) Notwithstanding any provision to the contrary in Chapter 3314. of the Revised Code or any other provision of law, upon notification by the Auditor of State under division (D) of this section that a community school has failed to make reasonable efforts and continuing progress to bring its accounts, records, files, or reports into an auditable condition following a declaration that the school is unauditabile, the Department shall immediately cease all payments to the school under Chapter 3314. of the Revised Code and any other provision of law. Upon subsequent notification from the Auditor of State under that division that the Auditor of State or a public accountant was able to complete a financial audit of the community school, the Department shall release all funds withheld from the school under this section. 55842  
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**Section 271.10. ELC OHIO ELECTIONS COMMISSION** 55856

General Revenue Fund 55857

GRF 051-321 Operating Expenses \$ 411,623 \$ 423,975 55858

TOTAL GRF General Revenue Fund \$ 411,623 \$ 423,975 55859

General Services Fund Group 55860

4P2 051-601 Ohio Elections 55861

Commission Fund \$ 255,000 \$ 255,000 55862

TOTAL GSF General Services Fund \$ 255,000 \$ 255,000 55863

Group

TOTAL ALL BUDGET FUND GROUPS \$ 666,623 \$ 678,975 55864

**Section 273.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL** 55866

DIRECTORS 55867

General Services Fund Group 55868

4K9 881-609 Operating Expenses	\$	628,641	\$	646,602	55869
TOTAL GSF General Services					55870
Fund Group	\$	628,641	\$	646,602	55871
TOTAL ALL BUDGET FUND GROUPS	\$	628,641	\$	646,602	55872

**Section 275.10. PAY EMPLOYEE BENEFITS FUNDS** 55874

Accrued Leave Liability Fund Group					55875
806 995-666 Accrued Leave Fund	\$	69,584,560	\$	76,038,787	55876
807 995-667 Disability Fund	\$	40,104,713	\$	39,309,838	55877
TOTAL ALF Accrued Leave Liability					55878
Fund Group	\$	109,689,273	\$	115,348,625	55879
Agency Fund Group					55880
124 995-673 Payroll Deductions	\$	2,125,000,000	\$	2,175,000,000	55881
808 995-668 State Employee Health Benefit Fund	\$	499,240,000	\$	550,922,742	55882
809 995-669 Dependent Care Spending Account	\$	2,969,635	\$	2,969,635	55883
810 995-670 Life Insurance Investment Fund	\$	2,113,589	\$	2,229,834	55884
811 995-671 Parental Leave Benefit Fund	\$	3,994,806	\$	4,234,495	55885
813 995-672 Health Care Spending Account	\$	12,000,000	\$	12,000,000	55886
TOTAL AGY Agency Fund Group	\$	2,645,318,030	\$	2,747,356,706	55887
TOTAL ALL BUDGET FUND GROUPS	\$	2,755,007,303	\$	2,862,705,331	55888

**ACCRUED LEAVE LIABILITY FUND** 55889

The foregoing appropriation item 995-666, Accrued Leave Fund, 55890  
shall be used to make payments from the Accrued Leave Liability 55891  
Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 55892  
If it is determined by the Director of Budget and Management that 55893  
additional amounts are necessary, the amounts are appropriated. 55894

**STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND** 55895

The foregoing appropriation item 995-667, Disability Fund, 55896  
shall be used to make payments from the State Employee Disability 55897  
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 55898  
Revised Code. If it is determined by the Director of Budget and 55899  
Management that additional amounts are necessary, the amounts are 55900  
appropriated. 55901

PAYROLL WITHHOLDING FUND 55902

The foregoing appropriation item 995-673, Payroll Deductions, 55903  
shall be used to make payments from the Payroll Withholding Fund 55904  
(Fund 124). If it is determined by the Director of Budget and 55905  
Management that additional appropriation amounts are necessary, 55906  
such amounts are hereby appropriated. 55907

STATE EMPLOYEE HEALTH BENEFIT FUND 55908

The foregoing appropriation item 995-668, State Employee 55909  
Health Benefit Fund, shall be used to make payments from the State 55910  
Employee Health Benefit Fund (Fund 808), pursuant to section 55911  
124.87 of the Revised Code. If it is determined by the Director of 55912  
Budget and Management that additional amounts are necessary, the 55913  
amounts are appropriated. 55914

DEPENDENT CARE SPENDING ACCOUNT 55915

The foregoing appropriation item 995-669, Dependent Care 55916  
Spending Account, shall be used to make payments from the 55917  
Dependent Care Spending Account (Fund 809) to employees eligible 55918  
for dependent care expenses. If it is determined by the Director 55919  
of Budget and Management that additional amounts are necessary, 55920  
the amounts are appropriated. 55921

LIFE INSURANCE INVESTMENT FUND 55922

The foregoing appropriation item 995-670, Life Insurance 55923  
Investment Fund, shall be used to make payments from the Life 55924  
Insurance Investment Fund (Fund 810) for the costs and expenses of 55925

the state's life insurance benefit program pursuant to section 55926  
125.212 of the Revised Code. If it is determined by the Director 55927  
of Budget and Management that additional amounts are necessary, 55928  
the amounts are appropriated. 55929

PARENTAL LEAVE BENEFIT FUND 55930

The foregoing appropriation item 995-671, Parental Leave 55931  
Benefit Fund, shall be used to make payments from the Parental 55932  
Leave Benefit Fund (Fund 811) to employees eligible for parental 55933  
leave benefits pursuant to section 124.137 of the Revised Code. If 55934  
it is determined by the Director of Budget and Management that 55935  
additional amounts are necessary, the amounts are appropriated. 55936

HEALTH CARE SPENDING ACCOUNT 55937

There is hereby established in the State Treasury the Health 55938  
Care Spending Account Fund (Fund 813). The foregoing appropriation 55939  
item 995-672, Health Care Spending Account, shall be used to make 55940  
payments from the fund. The fund shall be under the supervision of 55941  
the Department of Administrative Services and shall be used to 55942  
make payments pursuant to state employees' participation in a 55943  
flexible spending account for non-reimbursed health care expenses 55944  
and pursuant to Section 125 of the Internal Revenue Code. All 55945  
income derived from the investment of the fund shall accrue to the 55946  
fund. If it is determined by the Director of Administrative 55947  
Services that additional appropriation amounts are necessary, the 55948  
Director of Administrative Services may request that the Director 55949  
of Budget and Management increase such amounts. Such amounts are 55950  
hereby appropriated. 55951

At the request of the Director of Administrative Services, 55952  
the Director of Budget and Management shall transfer up to 55953  
\$145,000 from the General Revenue Fund to the Health Care Spending 55954  
Account Fund during fiscal years 2008 and 2009. This cash shall be 55955  
transferred as needed to provide adequate cash flow for the Health 55956

Care Spending Account Fund during fiscal year 2008 and fiscal year 55957  
 2009. If funds are available at the end of fiscal years 2008 and 55958  
 2009, the Director of Budget and Management shall transfer cash up 55959  
 to the amount previously transferred in the respective year, plus 55960  
 interest income, back from the Health Care Spending Account (Fund 55961  
 813) to the General Revenue Fund. 55962

**Section 277.10. ERB STATE EMPLOYMENT RELATIONS BOARD 55963**

General Revenue Fund 55964  
 GRF 125-321 Operating Expenses \$ 3,218,803 \$ 3,355,602 55965  
 TOTAL GRF General Revenue Fund \$ 3,218,803 \$ 3,355,602 55966  
 General Services Fund Group 55967  
 572 125-603 Training and \$ 75,541 \$ 75,541 55968  
     Publications  
 TOTAL GSF General Services 55969  
 Fund Group \$ 75,541 \$ 75,541 55970  
 TOTAL ALL BUDGET FUND GROUPS \$ 3,294,344 \$ 3,431,143 55971

**Section 279.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 55973**

General Services Fund Group 55974  
 4K9 892-609 Operating Expenses \$ 1,058,881 \$ 1,058,881 55975  
 TOTAL GSF General Services 55976  
 Fund Group \$ 1,058,881 \$ 1,058,881 55977  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,058,881 \$ 1,058,881 55978

**Section 281.10. EPA ENVIRONMENTAL PROTECTION AGENCY 55980**

General Services Fund Group 55981  
 199 715-602 Laboratory Services \$ 1,158,574 \$ 1,173,574 55982  
 219 715-604 Central Support \$ 16,474,276 \$ 17,000,962 55983  
     Indirect  
 4A1 715-640 Operating Expenses \$ 3,369,731 \$ 3,369,731 55984  
 TOTAL GSF General Services 55985

Fund Group		\$	21,002,581	\$	21,544,267	55986
Federal Special Revenue Fund Group						55987
3BU 715-684	Water Quality Protection	\$	6,515,000	\$	6,310,000	55988
3F2 715-630	Revolving Loan Fund - Operating	\$	563,536	\$	775,600	55989
3F3 715-632	Federally Supported Cleanup and Response	\$	2,550,000	\$	2,550,000	55990
3F5 715-641	Nonpoint Source Pollution Management	\$	7,550,000	\$	7,595,000	55991
3K4 715-634	DOD Monitoring and Oversight	\$	858,250	\$	898,825	55992
3N4 715-657	DOE Monitoring and Oversight	\$	1,071,678	\$	1,110,270	55993
3T3 715-669	Drinking Water SRF	\$	2,843,923	\$	2,977,998	55994
3V7 715-606	Agencywide Grants	\$	500,000	\$	500,000	55995
353 715-612	Public Water Supply	\$	3,388,619	\$	3,388,618	55996
354 715-614	Hazardous Waste Management - Federal	\$	4,203,891	\$	4,203,891	55997
357 715-619	Air Pollution Control - Federal	\$	6,823,949	\$	6,823,950	55998
362 715-605	Underground Injection Control - Federal	\$	111,874	\$	111,874	55999
TOTAL FED	Federal Special Revenue					56000
Fund Group		\$	36,980,720	\$	37,246,026	56001
State Special Revenue Fund Group						56002
4J0 715-638	Underground Injection Control	\$	458,418	\$	458,418	56003
4K2 715-648	Clean Air - Non Title V	\$	3,690,821	\$	4,066,558	56004
4K3 715-649	Solid Waste	\$	13,932,845	\$	14,282,845	56005
4K4 715-650	Surface Water	\$	12,685,000	\$	13,815,000	56006

		Protection				
4K5	715-651	Drinking Water	\$	8,169,553	\$	8,867,732 56007
		Protection				
4P5	715-654	Cozart Landfill	\$	149,728	\$	149,728 56008
4R5	715-656	Scrap Tire Management	\$	6,000,000	\$	6,000,000 56009
4R9	715-658	Voluntary Action	\$	1,032,098	\$	1,032,098 56010
		Program				
4T3	715-659	Clean Air - Title V	\$	18,924,098	\$	18,833,584 56011
		Permit Program				
4U7	715-660	Construction &	\$	881,561	\$	881,561 56012
		Demolition Debris				
5BC	715-617	Clean Ohio	\$	741,646	\$	741,646 56013
5BC	715-622	Local Air Pollution	\$	1,026,369	\$	1,026,369 56014
		Control				
5BC	715-624	Surface Water	\$	8,797,413	\$	8,797,413 56015
5BC	715-667	Groundwater	\$	1,093,741	\$	1,093,741 56016
5BC	715-672	Air Pollution Control	\$	5,199,290	\$	5,199,290 56017
5BC	715-673	Drinking Water	\$	2,550,250	\$	2,550,250 56018
5BC	715-675	Hazardous Waste	\$	100,847	\$	100,847 56019
5BC	715-676	Assistance and	\$	700,302	\$	700,302 56020
		Prevention				
5BC	715-677	Laboratory	\$	1,216,333	\$	1,216,333 56021
5BC	715-678	Corrective Actions	\$	1,179,775	\$	1,179,775 56022
5BT	715-679	C&DD Groundwater	\$	571,560	\$	693,267 56023
		Monitoring				
5BY	715-681	Auto Emissions Test	\$	14,817,105	\$	15,057,814 56024
5CD	715-682	Clean Diesel School	\$	600,000	\$	600,000 56025
		Buses				
5DW	715-683	Automotive Mercury	\$	60,000	\$	60,000 56026
		Switch Program				
5H4	715-664	Groundwater Support	\$	2,503,933	\$	2,715,340 56027
5N2	715-613	Dredge and Fill	\$	30,000	\$	30,000 56028
500	715-608	Immediate Removal	\$	557,257	\$	573,903 56029



		Special Account					
503	715-621	Hazardous Waste	\$	11,711,473	\$	12,200,240	56030
		Facility Management					
505	715-623	Hazardous Waste	\$	13,333,179	\$	14,147,498	56031
		Cleanup					
505	715-674	Clean Ohio	\$	109,725	\$	109,725	56032
		Environmental Review					
541	715-670	Site Specific Cleanup	\$	34,650	\$	34,650	56033
542	715-671	Risk Management	\$	146,188	\$	146,188	56034
		Reporting					
592	715-627	Anti Tampering	\$	9,707	\$	9,707	56035
		Settlement					
6A1	715-645	Environmental	\$	1,500,000	\$	1,500,000	56036
		Education					
602	715-626	Motor Vehicle	\$	157,697	\$	128,876	56037
		Inspection and					
		Maintenance					
644	715-631	ER Radiological Safety	\$	286,114	\$	286,114	56038
660	715-629	Infectious Waste	\$	100,000	\$	100,000	56039
		Management					
676	715-642	Water Pollution	\$	4,964,625	\$	4,964,625	56040
		Control Loan					
		Administration					
678	715-635	Air Toxic Release	\$	210,622	\$	210,622	56041
679	715-636	Emergency Planning	\$	2,628,647	\$	2,628,647	56042
696	715-643	Air Pollution Control	\$	750,000	\$	750,000	56043
		Administration					
699	715-644	Water Pollution	\$	750,000	\$	750,000	56044
		Control Administration					
TOTAL	SSR	State Special Revenue	\$	144,362,570	\$	148,690,706	56045
		Fund Group					
		Clean Ohio Revitalization Fund Group					56046
5S1	715-607	Clean Ohio - Operating	\$	208,174	\$	208,174	56047

TOTAL CLF Clean Ohio Revitalization \$ 208,174 \$ 208,174 56048  
Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 202,554,045 \$ 207,689,173 56049

AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT 56050

The Ohio Environmental Protection Agency (EPA) shall use the 56051  
foregoing appropriation item 715-681, Auto Emissions Test, in the 56052  
Auto Emissions Test Fund (Fund 5BY), for the operation, and Ohio 56053  
EPA's costs for oversight, of the auto emissions testing program. 56054  
For purposes of continuing testing beyond December 31, 2007, the 56055  
Director of Environmental Protection may extend an existing 56056  
contract with the contractor who is implementing the testing 56057  
program pursuant to section 3704.14 of the Revised Code for a 56058  
period of two years. 56059

The funds identified in this section shall not be used (1) to 56060  
pay for the testing costs of any dealers to provide certificates 56061  
for vehicles being purchased by individuals who reside in areas 56062  
where the E-Check program is operated or (2) to pay for more than 56063  
one passing or three total free tests for any vehicle in a 56064  
three-hundred-sixty-five-day period. When state funds may not be 56065  
used to pay for testing costs, the cost of testing and retesting 56066  
paid by an individual or a business for any vehicle shall cover 56067  
the cost of the test. Testing and other fees charged by the 56068  
contractor shall be submitted to and approved by the Director of 56069  
Environmental Protection. 56070

WATER QUALITY PROTECTION FUND 56071

On July 1, 2007, or as soon thereafter as possible, the 56072  
Director of Environmental Protection shall certify to the Director 56073  
of Budget and Management the cash balance in Fund 3F4, Water 56074  
Quality Management. The Director of Budget and Management shall 56075  
transfer the amount certified from Fund 3F4 to Fund 3BU, Water 56076  
Quality Protection. Any existing encumbrances in appropriation 56077  
item 715-633, Water Quality Management (Fund 3F4), shall be 56078

cancelled and re-established against appropriation item 715-684, 56079  
Water Quality Protection (Fund 3BU). The amounts of the 56080  
re-established encumbrances are hereby appropriated, and Fund 3F4 56081  
is abolished. 56082

On July 1, 2007, or as soon thereafter as possible, the 56083  
Director of Environmental Protection shall certify to the Director 56084  
of Budget and Management the cash balance in Fund 3J1, Urban 56085  
Stormwater. The Director of Budget and Management shall transfer 56086  
the amount certified from Fund 3J1 to Fund 3BU, Water Quality 56087  
Protection. Any existing encumbrances in appropriation item 56088  
715-620, Urban Stormwater (Fund 3J1), shall be cancelled and 56089  
re-established against appropriation item 715-684, Water Quality 56090  
Protection (Fund 3BU). The amounts of the re-established 56091  
encumbrances are hereby appropriated, and Fund 3J1 is abolished. 56092

On July 1, 2007, or as soon thereafter as possible, the 56093  
Director of Environmental Protection shall certify to the Director 56094  
of Budget and Management the cash balance in Fund 3J5, Maumee 56095  
River. The Director of Budget and Management shall transfer the 56096  
amount certified from Fund 3J5 to Fund 3BU, Water Quality 56097  
Protection. Any existing encumbrances in appropriation item 56098  
715-615, Maumee River (Fund 3J5), shall be cancelled and 56099  
re-established against appropriation item 715-684, Water Quality 56100  
Protection (Fund 3BU). The amounts of the re-established 56101  
encumbrances are hereby appropriated, and Fund 3J5 is abolished. 56102

On July 1, 2007, or as soon thereafter as possible, the 56103  
Director of Environmental Protection shall certify to the Director 56104  
of Budget and Management the cash balance in Fund 3K2, Clean Water 56105  
Act 106 (Fund 3K2). The Director of Budget and Management shall 56106  
transfer the amount certified from Fund 3K2 to Fund 3BU, Water 56107  
Quality Protection. Any existing encumbrances in appropriation 56108  
item 715-628, Clean Water Act 106, shall be cancelled and 56109  
re-established against appropriation item 715-684, Water Quality 56110

Protection (Fund 3BU). The amounts of the re-established 56111  
encumbrances are hereby appropriated, and Fund 3K2 is abolished. 56112

On July 1, 2007, or as soon thereafter as possible, the 56113  
Director of Environmental Protection shall certify to the Director 56114  
of Budget and Management the cash balance in Fund 3K6, Remedial 56115  
Action Plan. The Director of Budget and Management shall transfer 56116  
the amount certified from Fund 3K6 to Fund 3BU, Water Quality 56117  
Protection. Any existing encumbrances in appropriation item 56118  
715-639, Remedial Action Plan (Fund 3K6), shall be cancelled and 56119  
re-established against appropriation item 715-684, Water Quality 56120  
Protection (Fund 3BU). The amounts of the re-established 56121  
encumbrances are hereby appropriated, and Fund 3K6 is abolished. 56122

On July 1, 2007, or as soon thereafter as possible, the 56123  
Director of Environmental Protection shall certify to the Director 56124  
of Budget and Management the cash balance in Fund 352, Wastewater 56125  
Pollution. The Director of Budget and Management shall transfer 56126  
the amount certified from Fund 352 to Fund 3BU, Water Quality 56127  
Protection. Any existing encumbrances in appropriation item 56128  
715-611, Wastewater Pollution (Fund 352), shall be cancelled and 56129  
re-established against appropriation item 715-684, Water Quality 56130  
Protection (Fund 3BU). The amounts of the re-established 56131  
encumbrances are hereby appropriated, and Fund 352 is abolished. 56132

On July 1, 2007, or as soon thereafter as possible, the 56133  
Director of Environmental Protection shall certify to the Director 56134  
of Budget and Management the cash balance in Fund 358, 205-J 56135  
Federal Planning. The Director of Budget and Management shall 56136  
transfer the amount certified from Fund 358 to Fund 3BU, Water 56137  
Quality Protection. Any existing encumbrances in appropriation 56138  
item 715-625, 205-J Federal Planning (Fund 358), shall be 56139  
cancelled and re-established against appropriation item 715-684, 56140  
Water Quality Protection (Fund 3BU). The amounts of the 56141  
re-established encumbrances are hereby appropriated, and Fund 358 56142

is abolished.				56143
AREAWIDE PLANNING AGENCIES				56144
The Director of the Environmental Protection Agency shall use				56145
the foregoing appropriation item 715-624, Surface Water, to				56146
contract with areawide planning agencies in an amount not to				56147
exceed \$75,000 per agency per fiscal year for areawide water				56148
quality management and planning activities in accordance with				56149
Section 208 of the Federal Clean Water Act, 33 U.S.C. 1288.				56150
CASH TRANSFER FOR AUTOMOTIVE MERCURY SWITCH PROGRAM				56151
Upon the request of the Director of Environmental Protection,				56152
the Director of Budget and Management shall transfer up to \$60,000				56153
in cash from the Environmental Protection Fund (Fund 5BC) to the				56154
Automotive Mercury Switch Program Fund (Fund 5DW), in each year of				56155
the fiscal years 2008-2009 biennium.				56156
<b>Section 283.10.</b> EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION				56157
General Revenue Fund				56158
GRF 172-321 Operating Expenses	\$	483,859	\$ 487,000	56159
TOTAL GRF General Revenue Fund	\$	483,859	\$ 487,000	56160
TOTAL ALL BUDGET FUND GROUPS	\$	483,859	\$ 487,000	56161
<b>Section 285.10.</b> ETC ETECH OHIO				56163
General Revenue Fund				56164
GRF 935-321 Operations	\$	6,830,918	\$ 6,830,921	56165
GRF 935-401 Statehouse News Bureau	\$	244,400	\$ 244,400	56166
GRF 935-402 Ohio Government	\$	716,417	\$ 716,417	56167
Telecommunications				
Services				
GRF 935-403 Technical Operations	\$	3,597,390	\$ 3,597,389	56168
GRF 935-404 Telecommunications	\$	3,632,413	\$ 3,632,413	56169
Operating Subsidy				

GRF 935-406	Technical and Instructional Professional Development	\$	7,285,351	\$	7,272,351	56170
GRF 935-539	Educational Technology	\$	4,139,551	\$	4,139,551	56171
TOTAL GRF	General Revenue Fund	\$	26,446,440	\$	26,433,442	56172
General Services Fund Group						56173
4F3 935-603	Affiliate Services	\$	1,000,000	\$	1,000,000	56174
4T2 935-605	Government Television/Telecommunications Operating	\$	25,000	\$	25,000	56175
5D4 935-640	Conference/Special Purposes	\$	1,821,817	\$	1,821,817	56176
TOTAL GSF	General Services Fund Group	\$	2,846,817	\$	2,846,817	56177
Federal Special Revenue Fund Group						56178
3S3 935-606	Enhancing Education Technology	\$	589,363	\$	589,363	56179
TOTAL FED	Federal Special Revenue Fund Group	\$	589,363	\$	589,363	56180
State Special Revenue Fund Group						56181
4W9 935-630	Telecommunity	\$	25,000	\$	25,000	56182
4X1 935-634	Distance Learning	\$	50,000	\$	50,000	56183
5T3 935-607	Gates Foundation Grants	\$	200,000	\$	200,000	56184
TOTAL SSR	State Special Revenue Fund Group	\$	275,000	\$	275,000	56185
TOTAL ALL BUDGET FUND GROUPS		\$	30,157,620	\$	30,144,622	56186
<b>Section 285.20. TOWERS</b>						56188
(A) eTech Ohio currently owns eighteen towers and owns or leases an interest in the land upon which the towers are located						56189 56190

at the following sites: Akron/Nimisila, Butler, Carey, Carmel 56191  
Church, Celina College, Corner/Oxford, Conneaut/Ashtabula, 56192  
Fairborn/Wright State, Lancaster, London, Loudonville, Mansfield, 56193  
Maplewood, Millersburg, Thompson, Warrensville Heights, 56194  
Wilberforce/Central State University, and Wooster. All rights, 56195  
privileges, ownership, and control of the towers shall be 56196  
transferred to the Office of Information Technology by July 1, 56197  
2007, or as soon as possible thereafter. Where the land upon which 56198  
the towers are located is leased by eTech Ohio, eTech Ohio hereby 56199  
relinquishes its right on any such lease and the Office of 56200  
Information Technology shall be substituted as the lessee of the 56201  
premises by July 1, 2007, or as soon as possible thereafter, under 56202  
the same terms, provisions, and conditions as specified in each 56203  
lease agreement, subject to the lessor's consent. Where the land 56204  
upon which the towers are located is owned by eTech Ohio, all 56205  
rights, privileges, ownership, and control of the land shall be 56206  
transferred to the Office of Information Technology by July 1, 56207  
2007, or as soon as possible thereafter. The transfers and 56208  
assignments of the eighteen tower site designations are subject to 56209  
eTech Ohio's continued right to use the towers for transmission 56210  
and broadcasting purposes and subject to the completion of any 56211  
legal surveys of the premises on which the towers are located as 56212  
deemed necessary by the Office of Real Estate Services. 56213

(B) The Governor is hereby authorized to execute deeds or 56214  
leases in the name of the state, granting or leasing all of the 56215  
state's right, title, and interest in the parcels described 56216  
herein, and as necessary to implement division (A) of this 56217  
section. 56218

(C) Renewable leases and deeds to implement division (A) of 56219  
this section shall be prepared by the Auditor of State with the 56220  
assistance of the Attorney General, executed by the Governor, 56221  
countersigned by the Secretary of State, sealed with the Great 56222

Seal of the State, and presented for recording in the Office of 56223  
the Auditor of State. Each deed or lease shall be delivered to the 56224  
original grantor or lessor of each property for recording in the 56225  
office of the appropriate county recorder. 56226

**Section 285.30. TELECOMMUNICATIONS** 56227

STATEHOUSE NEWS BUREAU 56228

The foregoing appropriation item 935-401, Statehouse News 56229  
Bureau, shall be used solely to support the operations of the Ohio 56230  
Statehouse News Bureau. 56231

OHIO GOVERNMENT TELECOMMUNICATIONS STUDIO 56232

The foregoing appropriation item 935-402, Ohio Government 56233  
Telecommunications Services, shall be used solely to support the 56234  
operations of Ohio Government Telecommunications Services. 56235

TECHNICAL OPERATIONS 56236

The foregoing appropriation item 935-403, Technical 56237  
Operations, shall be used by eTech Ohio to pay expenses of eTech 56238  
Ohio's network infrastructure, which includes the television and 56239  
radio transmission infrastructure and infrastructure that shall 56240  
link all public K-12 classrooms to each other and the Internet, 56241  
and provide access to voice, video, and data educational resources 56242  
for students and teachers. 56243

TELECOMMUNICATIONS OPERATING SUBSIDY 56244

Of the foregoing appropriation item 935-404, 56245  
Telecommunications Operating Subsidy, \$45,000 in each fiscal year 56246  
shall be used to contract for dial-up newspaper reading services 56247  
for the blind and physically handicapped. The contract shall be 56248  
awarded through a competitive bidding process. 56249

The remainder of appropriation item 935-404, 56250  
Telecommunications Operating Subsidy, shall be distributed by 56251



eTech Ohio to Ohio's qualified public educational television stations, radio reading services, and educational radio stations to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless and until a substitute formula is developed by eTech Ohio in consultation with Ohio's qualified public educational television stations, radio reading services, and educational radio stations.

**Section 285.40. TECHNICAL AND INSTRUCTIONAL PROFESSIONAL DEVELOPMENT**

The foregoing appropriation item 935-406, Technical and Instructional Professional Development, shall be used by eTech Ohio to make grants or provide services to qualifying public schools, including the State School for the Blind, the State School for the Deaf, and the Department of Youth Services, for the provision of hardware, software, telecommunications services, and staff development to support educational uses of technology in the classroom.

Of the foregoing appropriation item 935-406, Technical and Instructional Professional Development, up to \$1,000,000 in each fiscal year shall be used to implement and support the Ohio Students Choosing On-line Resources for Educational Success (Ohio SCORES) initiative that increases the educational options available to students in mathematics, advanced laboratory-based science, and foreign language. eTech Ohio shall work collaboratively with the Department of Education and the Board of Regents on this initiative.

Of the foregoing appropriation item 935-406, Technical and Instructional Professional Development, up to \$200,000 in each fiscal year shall be used by eTech Ohio to provide competitive professional development grants to school districts. Grant

proposals shall focus on developing innovative programs that 56283  
enhance the abilities of teachers to use innovative methods for 56284  
integrating technology to implement state academic content 56285  
standards in classroom lessons. Grant requirements and awards 56286  
shall be approved by eTech Ohio, with priority given to school 56287  
districts designated in academic emergency, academic watch, or 56288  
continuous improvement. eTech Ohio shall develop a web site to 56289  
share information learned through these programs with school 56290  
districts statewide. The web site shall be linked with the Ohio 56291  
Department of Education's Instructional Management System. 56292

Of the foregoing appropriation item 935-406, Technical and 56293  
Instructional Professional Development, up to \$1,260,000 in each 56294  
fiscal year shall be allocated equally among the 12 Ohio 56295  
educational television stations and used with the advice and 56296  
approval of eTech Ohio. Funds shall be used for the production of 56297  
interactive instructional programming series with priority given 56298  
to resources aligned with state academic content standards in 56299  
consultation with the Ohio Department of Education and for 56300  
teleconferences to support eTech Ohio. The programming shall be 56301  
targeted to the needs of the poorest two hundred school districts 56302  
as determined by the district's adjusted valuation per pupil as 56303  
defined in former section 3317.0213 of the Revised Code as that 56304  
section existed prior to June 30, 2005. 56305

The remainder of appropriation item 935-406, Technical and 56306  
Instructional Professional Development, shall be used by eTech 56307  
Ohio for professional development for teachers and administrators 56308  
for the use of educational technology. eTech Ohio may make grants 56309  
to provide technical assistance and professional development on 56310  
the use of educational technology to school districts. 56311

Eligible recipients of grants include regional training 56312  
centers, educational service centers, information technology 56313  
centers, educational technology centers, institutions of higher 56314

education, public television stations, special education resource 56315  
centers, area media centers, or other nonprofit educational 56316  
organizations. In addition, services provided through these grants 56317  
may include use of private entities subcontracting through the 56318  
grant recipient. 56319

Grants shall be made to entities on a contractual basis with 56320  
eTech Ohio. Contracts shall include provisions that demonstrate 56321  
how services will benefit technology use in the public schools, 56322  
and in particular how services will support eTech Ohio's efforts 56323  
to integrate technology in the public schools. Contracts shall 56324  
specify the scope of assistance being offered and the potential 56325  
number of professionals who will be served. Contracting entities 56326  
may be awarded more than one grant at a time. Grants shall be 56327  
awarded in a manner consistent with the goals and priorities of 56328  
eTech Ohio. Special emphasis in the award of grants shall be 56329  
placed on collaborative efforts among service providers. 56330

Application for grants from appropriation item 935-406, 56331  
Technical and Instructional Professional Development, shall be 56332  
consistent with a school district's technology plan that shall 56333  
meet the minimum specifications for school district technology 56334  
plans as prescribed by eTech Ohio. Funds allocated through these 56335  
grants may be combined with funds received through other state or 56336  
federal grants for technology so long as the school district's 56337  
technology plan specifies the use of these funds. 56338

**Section 285.50. EDUCATION TECHNOLOGY** 56339

The foregoing appropriation item 935-539, Education 56340  
Technology, shall be used to provide funding to suppliers of 56341  
information services to school districts for the provision of 56342  
hardware, software, and staff development in support of 56343  
educational uses of technology in the classroom as prescribed by 56344  
the State Plan for Technology pursuant to section 3301.07 of the 56345

Revised Code, and to support assistive technology for children and youth with disabilities.

Of the foregoing appropriation item 935-539, Education Technology, up to \$4,139,551 in each fiscal year shall be used by eTech Ohio to contract with educational television to provide Ohio public schools with instructional resources and services with priority given to resources and services aligned with state academic content standards and such resources and services shall be based upon the advice and approval of eTech Ohio, based on a formula used by the Ohio SchoolNet Commission unless and until a substitute formula is developed by eTech Ohio in consultation with Ohio's educational technology agencies and noncommercial educational television stations.

Resources may include, but not be limited to, the following: prerecorded video materials (including videotape, laser discs, and CD-ROM discs); computer software for student use or student access to electronic communication, databases, spreadsheet, and word processing capability; live student courses or courses delivered electronically; automated media systems; and instructional and professional development materials for teachers. eTech Ohio shall collaborate with public television stations and cooperate with education technology agencies in the acquisition, development, and delivery of these educational resources to ensure high-quality and educational soundness at the lowest possible cost. Delivery of these resources may utilize a variety of technologies, with a preference given to a high speed integrated information network that can transport video, voice, data, and graphics simultaneously.

Services shall include presentations and technical assistance that will help students and teachers integrate educational materials that support curriculum objectives, match specific learning styles, and are appropriate for individual interests and

ability levels. 56378

The instructional resources and services shall be made 56379  
available for purchase by chartered nonpublic schools or by school 56380  
districts for the benefit of pupils attending chartered nonpublic 56381  
schools. 56382

eTech Ohio shall monitor the developments of technology, 56383  
coordinate with the Office of Information Technology, and assure 56384  
the most effective and highest quality operation of eTech Ohio 56385  
networks. All efforts may be aligned with the State's ongoing 56386  
efforts to coordinate appropriate network operations through the 56387  
Office of Information Technology and through the Third Frontier 56388  
Network. 56389

**Section 285.60. TELECOMMUNITY** 56390

The foregoing appropriation item 935-630, Telecommunity, 56391  
shall be distributed by eTech Ohio on a grant basis to eligible 56392  
school districts to establish "distance learning" through 56393  
interactive video technologies in the school district. Per 56394  
agreements with eight Ohio local telephone companies ALLTEL Ohio, 56395  
CENTURY Telephone of Ohio, Chillicothe Telephone Company, 56396  
Cincinnati Bell Telephone Company, Orwell Telephone Company, 56397  
Sprint North Central Telephone, VERIZON, and Western Reserve 56398  
Telephone Company, school districts are eligible for funds if they 56399  
are within one of the listed telephone company service areas. 56400  
Funds to administer the program shall be expended by eTech Ohio up 56401  
to the amount specified in agreements with the listed telephone 56402  
companies. 56403

Within thirty days after the effective date of this section, 56404  
the Director of Budget and Management shall transfer to Fund 4W9 56405  
in the State Special Revenue Fund Group any investment earnings 56406  
from moneys paid by any telephone company as part of any 56407  
settlement agreement between the listed companies and the Public 56408

Utilities Commission in fiscal years 1996 and beyond.				56409	
DISTANCE LEARNING				56410	
The foregoing appropriation item 935-634, Distance Learning,				56411	
shall be distributed by eTech Ohio on a grant basis to eligible				56412	
school districts to establish "distance learning" in the school				56413	
district. Per the agreement with Ameritech, school districts are				56414	
eligible for funds if they are within an Ameritech service area.				56415	
Funds to administer the program shall be expended by eTech Ohio up				56416	
to the amount specified in the agreement with Ameritech.				56417	
Within thirty days after the effective date of this section,				56418	
the Director of Budget and Management shall transfer to Fund 4X1				56419	
in the State Special Revenue Fund Group any investment earnings				56420	
from moneys paid by any telephone company as part of a settlement				56421	
agreement between the company and the Public Utilities Commission				56422	
in fiscal year 1995.				56423	
GATES FOUNDATION GRANTS				56424	
The foregoing appropriation item 935-607, Gates Foundation				56425	
Grants, shall be used by eTech Ohio to provide professional				56426	
development to school district principals, superintendents, and				56427	
other administrative staff for the use of education technology.				56428	
<b>Section 287.10. ETH OHIO ETHICS COMMISSION</b>				56429	
General Revenue Fund				56430	
GRF 146-321 Operating Expenses	\$	1,863,028	\$	1,902,275	56431
TOTAL GRF General Revenue Fund	\$	1,863,028	\$	1,902,275	56432
General Services Fund Group				56433	
4M6 146-601 Operating Expenses	\$	432,543	\$	432,543	56434
TOTAL GSF General Services				56435	
Fund Group	\$	432,543	\$	432,543	56436
TOTAL ALL BUDGET FUND GROUPS	\$	2,295,571	\$	2,334,818	56437

<b>Section 289.10. EXP OHIO EXPOSITIONS COMMISSION</b>				56439
General Revenue Fund				56440
GRF 723-403 Junior Fair Subsidy	\$	400,000	\$ 400,000	56441
TOTAL GRF General Revenue Fund	\$	400,000	\$ 400,000	56442
State Special Revenue Fund Group				56443
4N2 723-602 Ohio State Fair	\$	520,000	\$ 520,000	56444
Harness Racing				
506 723-601 Operating Expenses	\$	13,643,315	\$ 13,643,315	56445
640 723-603 State Fair Reserve	\$	125,337	\$ 0	56446
TOTAL SSR State Special Revenue				56447
Fund Group	\$	14,288,652	\$ 14,163,315	56448
TOTAL ALL BUDGET FUND GROUPS	\$	14,688,652	\$ 14,563,315	56449

STATE FAIR RESERVE 56450

The foregoing appropriation item 723-603, State Fair Reserve, 56451  
 shall serve as a budget reserve fund for the Ohio Expositions 56452  
 Commission in the event of a significant decline in attendance 56453  
 because of inclement weather or extraordinary circumstances during 56454  
 the Ohio State Fair resulting in a loss of revenue. The State Fair 56455  
 Reserve Fund (Fund 640) may be used by the Ohio Expositions 56456  
 Commission to pay bills resulting from the Ohio State Fair only if 56457  
 all the following criteria are met: 56458

(A) Admission revenues for the 2007 Ohio State Fair are less 56459  
 than \$2,025,000 or the admission revenues for the 2008 Ohio State 56460  
 Fair are less than \$2,065,000 because of inclement weather or 56461  
 extraordinary circumstances. These amounts are ninety per cent of 56462  
 the projected revenues for each year. 56463

(B) The Ohio Expositions Commission declares a state of 56464  
 fiscal exigency and requests release of funds from the Director of 56465  
 Budget and Management. 56466

(C) The Director of Budget and Management releases the funds. 56467

The Director of Budget and Management may approve or disapprove 56468  
the request for release of funds, may increase or decrease the 56469  
amount of release, and may place conditions as the Director 56470  
considers necessary on the use of the released funds. The Director 56471  
of Budget and Management may transfer the appropriation from 56472  
fiscal year 2008 to fiscal year 2009 as needed. 56473

In the event that the Ohio Expositions Commission faces a 56474  
temporary cash shortage that will preclude it from meeting current 56475  
obligations, the Commission may request the Director of Budget and 56476  
Management to approve use of the State Fair Reserve Fund (Fund 56477  
640) to meet those obligations. The request shall include a plan 56478  
describing how the Commission will eliminate the cash shortage. If 56479  
the Director of Budget and Management approves the expenditures, 56480  
the Commission shall reimburse the State Fair Reserve Fund (Fund 56481  
640) by the thirtieth day of June of that same fiscal year through 56482  
an intrastate transfer voucher. The amount reimbursed is hereby 56483  
appropriated. 56484

**Section 291.10. GOV OFFICE OF THE GOVERNOR** 56485

General Revenue Fund 56486

GRF 040-321 Operating Expenses	\$	3,754,045	\$	3,754,045	56487
GRF 040-403 Federal Relations	\$	435,443	\$	435,443	56488
GRF 040-408 Office of Veterans'	\$	287,000	\$	298,000	56489

Affairs

TOTAL GRF General Revenue Fund	\$	4,476,488	\$	4,487,488	56490
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General Services Fund Group 56491

5AK 040-607 Federal Relations	\$	365,149	\$	365,149	56492
TOTAL GSF General Services Fund	\$	365,149	\$	365,149	56493

Group

TOTAL ALL BUDGET FUND GROUPS	\$	4,841,637	\$	4,852,637	56494
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APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR 56495



The Governor may expend a portion of the foregoing 56496  
 appropriation item 040-321, Operating Expenses, to hire or appoint 56497  
 legal counsel to be used in proceedings involving the Governor in 56498  
 the Governor's official capacity or the Governor's office only, 56499  
 without the approval of the Attorney General, notwithstanding 56500  
 sections 109.02 and 109.07 of the Revised Code. 56501

FEDERAL RELATIONS 56502

A portion of the foregoing appropriation items 040-403, 56503  
 Federal Relations, and 040-607, Federal Relations, may be used to 56504  
 support Ohio's membership in national or regional associations. 56505

The Office of the Governor may charge any state agency of the 56506  
 executive branch using an intrastate transfer voucher such amounts 56507  
 necessary to defray the costs incurred for the conduct of federal 56508  
 relations associated with issues that can be attributed to the 56509  
 agency. Amounts collected shall be deposited to the Office of the 56510  
 Governor Federal Relations Fund (Fund 5AK). 56511

**Section 293.10.** DOH DEPARTMENT OF HEALTH 56512

General Revenue Fund 56513

GRF 440-407 Animal Borne Disease \$ 2,327,101 \$ 2,327,101 56514  
 and Prevention

GRF 440-412 Cancer Incidence \$ 1,002,619 \$ 1,002,619 56515  
 Surveillance System

GRF 440-413 Local Health \$ 3,786,794 \$ 3,786,794 56516  
 Department Support

GRF 440-416 Child and Family \$ 8,947,874 \$ 9,047,874 56517  
 Health Services

GRF 440-418 Immunizations \$ 9,400,615 \$ 9,400,615 56518

GRF 440-431 Free Clinic Liability \$ 125,000 \$ 125,000 56519  
 Insurance

GRF 440-437 Healthy Ohio \$ 1,502,618 \$ 2,855,553 56520

GRF 440-444	AIDS Prevention and Treatment	\$	7,158,127	\$	7,158,127	56521
GRF 440-446	Infectious Disease Prevention	\$	200,000	\$	200,000	56522
GRF 440-451	Lab and Public Health Prevention Programs	\$	6,085,250	\$	6,085,250	56523
GRF 440-452	Child and Family Health Services Match	\$	1,024,017	\$	1,024,017	56524
GRF 440-453	Health Care Quality Assurance	\$	10,253,728	\$	10,253,728	56525
GRF 440-454	Local Environmental Health	\$	889,752	\$	889,752	56526
GRF 440-459	Help Me Grow	\$	10,923,397	\$	14,041,847	56527
GRF 440-505	Medically Handicapped Children	\$	10,791,784	\$	10,791,784	56528
GRF 440-507	Targeted Health Care Services Over 21	\$	1,681,023	\$	1,681,023	56529
GRF 440-511	Uncompensated Care and Emergency Medical Assistance	\$	0	\$	3,500,000	56530
TOTAL GRF	General Revenue Fund	\$	76,099,699	\$	84,171,084	56531
	General Services Fund Group					56532
142 440-646	Agency Health Services	\$	3,461,915	\$	3,461,915	56533
211 440-613	Central Support Indirect Costs	\$	28,884,707	\$	28,884,707	56534
473 440-622	Lab Operating Expenses	\$	4,954,045	\$	4,954,045	56535
683 440-633	Employee Assistance Program	\$	1,208,214	\$	1,208,214	56536
698 440-634	Nurse Aide Training	\$	170,000	\$	170,000	56537
TOTAL GSF	General Services Fund Group	\$	38,678,881	\$	38,678,881	56539
	Federal Special Revenue Fund Group					56540

320	440-601	Maternal Child Health Block Grant	\$	30,666,635	\$	30,666,635	56541
387	440-602	Preventive Health Block Grant	\$	7,826,659	\$	7,826,659	56542
389	440-604	Women, Infants, and Children	\$	230,077,451	\$	230,077,451	56543
391	440-606	Medicaid/Medicare	\$	24,850,959	\$	24,850,959	56544
392	440-618	Federal Public Health Programs	\$	136,778,215	\$	136,778,215	56545
TOTAL FED Federal Special Revenue							56546
Fund Group			\$	430,199,919	\$	430,199,919	56547
State Special Revenue Fund Group							56548
4D6	440-608	Genetics Services	\$	3,317,000	\$	3,317,000	56549
4F9	440-610	Sickle Cell Disease Control	\$	1,035,344	\$	1,035,344	56550
4G0	440-636	Heirloom Birth Certificate	\$	5,000	\$	5,000	56551
4G0	440-637	Birth Certificate Surcharge	\$	5,000	\$	5,000	56552
4L3	440-609	Miscellaneous Expenses	\$	446,468	\$	446,468	56553
4T4	440-603	Child Highway Safety	\$	233,894	\$	233,894	56554
4V6	440-641	Save Our Sight	\$	1,767,994	\$	1,767,994	56555
470	440-647	Fee Supported Programs	\$	27,946,243	\$	25,905,140	56556
471	440-619	Certificate of Need	\$	869,000	\$	898,000	56557
477	440-627	Medically Handicapped Children Audit	\$	3,693,016	\$	3,693,016	56558
5B5	440-616	Quality, Monitoring, and Inspection	\$	838,479	\$	838,479	56559
5CB	440-640	Poison Control Centers	\$	150,000	\$	150,000	56560
5CN	440-645	Choose Life	\$	75,000	\$	75,000	56561
5C0	440-615	Alcohol Testing and Permit	\$	1,455,405	\$	1,455,405	56562
5D6	440-620	Second Chance Trust	\$	1,054,951	\$	1,054,951	56563

5EC	440-650	Health Emergency	\$	15,312,500	\$	0	56564
5ED	440-651	Smoke Free Indoor Air	\$	800,000	\$	800,000	56565
5G4	440-639	Adoption Services	\$	20,000	\$	20,000	56566
5L1	440-623	Nursing Facility	\$	664,282	\$	698,595	56567
		Technical Assistance Program					
610	440-626	Radiation Emergency	\$	850,000	\$	850,000	56568
		Response					
666	440-607	Medically Handicapped	\$	14,320,687	\$	14,320,687	56569
		Children - County Assessments					
TOTAL SSR State Special Revenue							56570
Fund Group			\$	74,860,263	\$	57,569,973	56571
Holding Account Redistribution Fund Group							56572
R14	440-631	Vital Statistics	\$	70,000	\$	70,000	56573
R48	440-625	Refunds, Grants	\$	20,000	\$	20,000	56574
		Reconciliation, and Audit Settlements					
TOTAL 090 Holding Account							56575
Redistribution Fund Group			\$	90,000	\$	90,000	56576
TOTAL ALL BUDGET FUND GROUPS							56577

**Section 293.20.** CHILD AND FAMILY HEALTH SERVICES 56579

Of the foregoing appropriation item 440-416, Child and Family 56580  
Health Services, not more than \$1,700,000 in each fiscal year 56581  
shall be used for women's health services. 56582

Of the foregoing appropriation item 440-416, Child and Family 56583  
Health Services, not more than \$270,000 shall be used in each 56584  
fiscal year for the OPTIONS dental care access program. 56585

Of the foregoing appropriation item 440-416, Child and Family 56586  
Health Services, not more than \$1,900,000 in fiscal year 2008 and 56587  
\$2,150,000 in fiscal year 2009 shall be used by federally 56588

qualified health centers and federally designated look-alikes to 56589  
provide services to uninsured low-income persons. 56590

Of the foregoing appropriation item 440-416, Child and Family 56591  
Health Services, not more than \$500,000 in each fiscal year shall 56592  
be used for abstinence and adoption education. The Director of 56593  
Health shall develop guidelines for the establishment of 56594  
abstinence and adoption education programs for teenagers with the 56595  
purpose of decreasing unplanned pregnancies and abortion. The 56596  
guidelines shall be developed pursuant to Title V of the "Social 56597  
Security Act," 42 U.S.C. 510, and shall include, but are not 56598  
limited to, advertising campaigns and direct training in schools 56599  
and other locations. 56600

Of the foregoing appropriation item 440-416, Child and Family 56601  
Health Services, \$10,000 in each fiscal year shall be allocated to 56602  
the Jewish Family Services in Cleveland, \$10,000 in each fiscal 56603  
year shall be allocated to the Jewish Family Services in 56604  
Cincinnati, \$10,000 shall be allocated in each fiscal year to the 56605  
Jewish Family Services in Columbus, and \$10,000 in each fiscal 56606  
year shall be allocated to the Wexner Heritage Village in Columbus 56607  
for interpreters for health care. 56608

Of the foregoing appropriation item 440-416, Child and Family 56609  
Health Services, \$10,000 in each fiscal year shall be provided to 56610  
the Jewish Family Services in Dayton, \$5,000 in each fiscal year 56611  
shall be provided to the Jewish Community Center in Akron, \$5,000 56612  
in each fiscal year shall be provided to the Jewish Community 56613  
Center in Sylvania, \$2,500 in each fiscal year shall be provided 56614  
to the Jewish Community Center in Youngstown, and \$2,500 in each 56615  
fiscal year shall be provided to the Jewish Community Center in 56616  
Canton. 56617

Of the foregoing appropriation item 440-416, Child and Family 56618  
Health Services, \$16,667 in each fiscal year shall be allocated to 56619  
the Yassenoff Jewish Community Center, \$16,667 in each fiscal year 56620

shall be allocated to the Jewish Community Center in Cincinnati, 56621  
and \$16,666 in each fiscal year shall be allocated to the Jewish 56622  
Community Center in Cleveland for children's health and nutrition 56623  
camp programs. 56624

Of the foregoing appropriation item 440-416, Child and Family 56625  
Health Services, \$16,666 in each fiscal year shall be allocated to 56626  
the Athens Community Center. 56627

Of the foregoing appropriation item 440-416, Child and Family 56628  
Health Services, \$500,000 in fiscal year 2008 and \$300,000 in 56629  
fiscal year 2009 shall be used for the establishment of the Autism 56630  
Diagnosis Education Pilot Program. Not later than December 31, 56631  
2008, the Director of Health shall compile and submit to the 56632  
Governor and the General Assembly a written report describing the 56633  
action taken under the Autism Diagnosis Education Pilot Program 56634  
since the effective date of this section. Not later than December 56635  
31, 2009, the Director shall compile and submit to the Governor 56636  
and the General Assembly a written report describing the action 56637  
taken under the Pilot Program since December 31, 2008. 56638

**Section 293.25. COLLEGE PREGNANCY AND PARENTING OFFICES PILOT** 56639  
**PROGRAM** 56640

(A) As used in this section, "institution of higher 56641  
education" means a public or private university or college in this 56642  
state, including a community college or state community college. 56643

(B) The Director of Health shall conduct a pilot program in 56644  
fiscal year 2009 for the purpose of awarding grants to up to four 56645  
institutions of higher education to establish and operate on a 56646  
selected institution's campus an office that provides support to 56647  
students who are pregnant or who are the parents or legal 56648  
guardians of one or more minors. Planning for the pilot program 56649  
shall commence in fiscal year 2008. 56650

(C) An institution of higher education may apply for a grant 56651  
by completing and submitting an application form supplied by the 56652  
Director. The Director may require the institution to submit 56653  
additional information after the Director has reviewed the 56654  
application. 56655

(D) Before awarding a grant, the Director shall secure a 56656  
written agreement in which the proposed grantee commits to doing 56657  
all of the following: 56658

(1) Locating the office described in division (B) of this 56659  
section on the campus of the institution. 56660

(2) Assessing the institution's performance in both of the 56661  
following areas: 56662

(a) Offering health insurance plans to students that include 56663  
coverage for prenatal and postpartum care and riders for the 56664  
coverage of additional family members; 56665

(b) Providing services or items that meet the needs of 56666  
students who are pregnant or who are the parents or legal 56667  
guardians of one or more minors, including family housing, child 56668  
care, flexible or alternative academic scheduling, education 56669  
concerning responsible parenting and healthy marriages, maternity 56670  
and infant clothing, formula and baby food, and baby furniture. 56671

(3) Identifying and establishing programs with public and 56672  
private service providers located on campus and in the local 56673  
community that are qualified to meet the needs described in 56674  
division (D)(2)(b) of this section. 56675

(4) Assisting students in locating and obtaining services 56676  
that meet the needs described in division (D)(2)(b) of this 56677  
section. 56678

(5) Providing, on the request of an individual student, 56679  
referrals for prenatal care and delivery, infant or foster care, 56680

or adoption. The office shall make referrals only to persons or 56681  
governmental entities that primarily serve parents, prospective 56682  
parents awaiting adoption, pregnant women who plan to parent or 56683  
place a child for adoption, or married couples or couples that 56684  
plan on marrying in order to provide a supportive environment for 56685  
each other and one or more minors. 56686

(6) Providing, by a date determined by the Director, a 56687  
written report to the Director that itemizes the office's 56688  
expenditures during the fiscal year and meets the format or form 56689  
established by the Director under division (E) of this section. 56690

(7) Providing, after the Director's review of the report 56691  
described in division (D)(6) of this section, any additional 56692  
information requested by the Director. 56693

(E) The Director shall establish a format or form for the 56694  
written report that must be provided by an institution under 56695  
division (D)(6) of this section. In establishing the format or 56696  
form, the Director shall identify specific performance criteria 56697  
the institution must address in the report. 56698

(F) The Director may adopt any rules necessary to implement 56699  
this section. The rules shall be adopted in accordance with 56700  
Chapter 119. of the Revised Code. 56701

(G) Of the foregoing appropriation item 440-416, Child and 56702  
Family Health Services, \$50,000 in fiscal year 2009 shall be used 56703  
to make grants for the pilot program described in this section. 56704

**Section 293.30. HEALTHY OHIO** 56705

The Department of Health may use appropriation item 440-437, 56706  
Healthy Ohio, to complete an inventory of prevention programs so 56707  
that it may better target prevention funding, to fund programs to 56708  
decrease minority health disparities, and to fund care 56709  
coordination models to improve health outcomes for individuals 56710



with catastrophic health conditions.	56711
HIV/AIDS PREVENTION/TREATMENT	56712
Of the foregoing appropriation item 440-444, AIDS Prevention	56713
and Treatment, not more than \$6.7 million in each fiscal year	56714
shall be used to assist persons with HIV/AIDS in acquiring	56715
HIV-related medications.	56716
INFECTIOUS DISEASE PREVENTION	56717
The foregoing appropriation item 440-446, Infectious Disease	56718
Prevention, shall be used for the purchase of drugs for sexually	56719
transmitted diseases.	56720
HELP ME GROW	56721
The foregoing appropriation item 440-459, Help Me Grow, shall	56722
be used by the Department of Health to distribute subsidies to	56723
counties to implement the Help Me Grow Program. Appropriation item	56724
440-459, Help Me Grow, may be used in conjunction with Temporary	56725
Assistance for Needy Families from the Department of Job and	56726
Family Services, Early Intervention funding from the Department of	56727
Mental Retardation and Developmental Disabilities, and in	56728
conjunction with other early childhood funds and services to	56729
promote the optimal development of young children. Local contracts	56730
shall be developed between local departments of job and family	56731
services and family and children first councils for the	56732
administration of TANF funding for the Help Me Grow Program. The	56733
Department of Health shall enter into an interagency agreement	56734
with the Department of Education, Department of Mental Retardation	56735
and Developmental Disabilities, Department of Job and Family	56736
Services, and Department of Mental Health to ensure that all early	56737
childhood programs and initiatives are coordinated and school	56738
linked.	56739
TARGETED HEALTH CARE SERVICES OVER 21	56740

In each fiscal year, of the foregoing appropriation item 56741  
440-507, Targeted Health Care Services Over 21, \$731,023 shall be 56742  
used to administer the cystic fibrosis program and implement the 56743  
Hemophilia Insurance Premium Payment Program. 56744

Of the foregoing appropriation item 440-507, Targeted Health 56745  
Care Services Over 21, \$900,000 in each fiscal year shall be used 56746  
to provide essential medications and to pay the copayments for 56747  
drugs approved by the Department of Health and covered by Medicare 56748  
Part D that are dispensed to Bureau for Children with Medical 56749  
Handicaps (BCMh) participants for the cystic fibrosis program and 56750  
to cover up to 18 in-patient hospital days for participants in the 56751  
cystic fibrosis program. 56752

UNCOMPENSATED CARE AND EMERGENCY MEDICAL 56753

The foregoing appropriation item 440-511, Uncompensated Care 56754  
and Emergency Medical Assistance, shall be used to fund programs 56755  
that provide health care without ability to pay. This is not an 56756  
entitlement program and services are offered only to the extent 56757  
that funding is available. 56758

MATERNAL CHILD HEALTH BLOCK GRANT 56759

Of the foregoing appropriation item 440-601, Maternal Child 56760  
Health Block Grant (Fund 320), \$2,091,299 shall be used in each 56761  
fiscal year for the purposes of abstinence and adoption education. 56762  
The Director of Health shall develop guidelines for the 56763  
establishment of abstinence and adoption education programs for 56764  
teenagers with the purpose of decreasing unplanned pregnancies and 56765  
abortion. The guidelines shall be developed under Title V of the 56766  
"Social Security Act," 42 U.S.C. 510, and shall include, but are 56767  
not limited to, advertising campaigns and direct training in 56768  
schools and other locations. 56769

GENETICS SERVICES 56770

The foregoing appropriation item 440-608, Genetics Services 56771

(Fund 4D6), shall be used by the Department of Health to 56772  
administer programs authorized by sections 3701.501 and 3701.502 56773  
of the Revised Code. None of these funds shall be used to counsel 56774  
or refer for abortion, except in the case of a medical emergency. 56775

MEDICALLY HANDICAPPED CHILDREN AUDIT 56776

The Medically Handicapped Children Audit Fund (Fund 477) 56777  
shall receive revenue from audits of hospitals and recoveries from 56778  
third-party payers. Moneys may be expended for payment of audit 56779  
settlements and for costs directly related to obtaining recoveries 56780  
from third-party payers and for encouraging Medically Handicapped 56781  
Children's Program recipients to apply for third-party benefits. 56782  
Moneys also may be expended for payments for diagnostic and 56783  
treatment services on behalf of medically handicapped children, as 56784  
defined in division (A) of section 3701.022 of the Revised Code, 56785  
and Ohio residents who are twenty-one or more years of age and who 56786  
are suffering from cystic fibrosis or hemophilia. Moneys may also 56787  
be expended for administrative expenses incurred in operating the 56788  
Medically Handicapped Children's Program. 56789

TRANSFER FROM STATE FIRE MARSHAL'S FUND (FUND 546) TO THE 56790  
POISON CONTROL FUND (FUND 5CB) IN THE DEPARTMENT OF HEALTH 56791

Notwithstanding section 3737.71 of the Revised Code, on July 56792  
1, 2007, or as soon as possible thereafter, the Director of Budget 56793  
and Management shall transfer \$150,000 cash from the State Fire 56794  
Marshal's Fund (Fund 546) in the Department of Commerce to the 56795  
Poison Control Fund (Fund 5CB) in the Department of Health, which 56796  
is hereby created. Notwithstanding section 3737.71 of the Revised 56797  
Code, on July 1, 2008, or as soon as possible thereafter, the 56798  
Director of Budget and Management shall transfer \$150,000 cash 56799  
from the State Fire Marshal's Fund (Fund 546) in the Department of 56800  
Commerce to the Poison Control Fund (Fund 5CB) in the Department 56801  
of Health. 56802

POISON CONTROL CENTERS	56803
Of the foregoing appropriation item 440-640, Poison Control Centers, in each fiscal year, the poison control centers in the municipal corporations of Cleveland, Cincinnati, and Columbus shall each receive an allocation of \$50,000.	56804 56805 56806 56807
CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND PERMIT FUND	56808 56809
The Director of Budget and Management, pursuant to a plan submitted by the Department of Health, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Liquor Control Fund (Fund 043) to the Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating needs of the Alcohol Testing and Permit program.	56810 56811 56812 56813 56814 56815
The Director of Budget and Management shall transfer to the Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control Fund (Fund 043) created in section 4301.12 of the Revised Code such amounts at such times as determined by the transfer schedule.	56816 56817 56818 56819
MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS	56820
The foregoing appropriation item 440-607, Medically Handicapped Children - County Assessments (Fund 666), shall be used to make payments under division (E) of section 3701.023 of the Revised Code.	56821 56822 56823 56824
<b>Section 293.40. NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM</b>	56825
The Director of Budget and Management shall transfer, on July 1, 2007, or as soon as possible thereafter, cash from Fund 4E3, Resident Protection Fund, in the Ohio Department of Job and Family Services, to Fund 5L1, Nursing Facility Technical Assistance Program Fund, in the Ohio Department of Health, to be used under section 3721.026 of the Revised Code. The transfers shall equal \$410,111 in fiscal year 2008 and \$698,595 in fiscal year 2009.	56826 56827 56828 56829 56830 56831 56832

CASH TRANSFER FROM FEDERAL PUBLIC HEALTH PROGRAMS FUND TO 56833  
 AGENCY HEALTH SERVICES FUND 56834

As soon as possible on or after July 1, 2007, the Director of 56835  
 Health shall certify to the Director of Budget and Management the 56836  
 amount of cash to be transferred from the Federal Public Health 56837  
 Programs Fund (Fund 392) to the Agency Health Services Fund (Fund 56838  
 142) to meet the operating needs of the Vital Statistics Program. 56839  
 The Director of Budget and Management shall transfer the amount 56840  
 certified. 56841

**Section 295.10.** HEF HIGHER EDUCATIONAL FACILITY COMMISSION 56842  
 Agency Fund Group 56843  
 461 372-601 Operating Expenses \$ 16,819 \$ 16,819 56844  
 TOTAL AGY Agency Fund Group \$ 16,819 \$ 16,819 56845  
 TOTAL ALL BUDGET FUND GROUPS \$ 16,819 \$ 16,819 56846

**Section 297.10.** SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 56848  
 General Revenue Fund 56849  
 GRF 148-100 Personal Services \$ 160,121 \$ 167,156 56850  
 GRF 148-200 Maintenance \$ 40,000 \$ 40,000 56851  
 GRF 148-402 Community Projects \$ 500,000 \$ 500,000 56852  
 TOTAL GRF General Revenue Fund \$ 700,121 \$ 707,156 56853  
 General Services Fund Group 56854  
 601 148-602 Gifts and \$ 20,000 \$ 20,000 56855  
     Miscellaneous  
 TOTAL GSF General Services 56856  
 Fund Group \$ 20,000 \$ 20,000 56857  
 TOTAL ALL BUDGET FUND GROUPS \$ 720,121 \$ 727,156 56858

**Section 299.10.** OHS OHIO HISTORICAL SOCIETY 56860  
 General Revenue Fund 56861

GRF 360-501	Operating Subsidy	\$	3,349,244	\$	3,349,252	56862
GRF 360-502	Site and Museum	\$	8,501,781	\$	8,501,788	56863
	Operations					
GRF 360-504	Ohio Preservation	\$	417,516	\$	415,381	56864
	Office					
GRF 360-505	National Afro-American	\$	754,884	\$	754,884	56865
	Museum					
GRF 360-506	Hayes Presidential	\$	509,231	\$	509,231	56866
	Center					
GRF 360-508	State Historical	\$	75,000	\$	75,000	56867
	Grants					
TOTAL GRF	General Revenue Fund	\$	13,607,656	\$	13,605,536	56868
TOTAL ALL BUDGET FUND GROUPS		\$	13,607,656	\$	13,605,536	56869

SUBSIDY APPROPRIATION

56870

Upon approval by the Director of Budget and Management, the 56871  
foregoing appropriation items shall be released to the Ohio 56872  
Historical Society in quarterly amounts that in total do not 56873  
exceed the annual appropriations. The funds and fiscal records of 56874  
the society for fiscal years 2008 and 2009 shall be examined by 56875  
independent certified public accountants approved by the Auditor 56876  
of State, and a copy of the audited financial statements shall be 56877  
filed with the Office of Budget and Management. The society shall 56878  
prepare and submit to the Office of Budget and Management the 56879  
following: 56880

(A) An estimated operating budget for each fiscal year of the 56881  
biennium. The operating budget shall be submitted at or near the 56882  
beginning of each calendar year. 56883

(B) Financial reports, indicating actual receipts and 56884  
expenditures for the fiscal year to date. These reports shall be 56885  
filed at least semiannually during the fiscal biennium. 56886

The foregoing appropriations shall be considered to be the 56887  
contractual consideration provided by the state to support the 56888

state's offer to contract with the Ohio Historical Society under 56889  
section 149.30 of the Revised Code. 56890

HAYES PRESIDENTIAL CENTER 56891

If a United States government agency, including, but not 56892  
limited to, the National Park Service, chooses to take over the 56893  
operations or maintenance of the Hayes Presidential Center, in 56894  
whole or in part, the Ohio Historical Society shall make 56895  
arrangements with the National Park Service or other United States 56896  
government agency for the efficient transfer of operations or 56897  
maintenance. 56898

HISTORICAL GRANTS 56899

Of the foregoing appropriation item 360-508, State Historical 56900  
Grants, \$75,000 in each fiscal year shall be distributed to the 56901  
Center for Holocaust and Humanity Education located at the Hebrew 56902  
Union College-Jewish Institute of Religion in Cincinnati. 56903

PROCESSING FEES 56904

The Ohio Historical Society shall not charge or retain an 56905  
administrative, service, or processing fee for distributing money 56906  
that the General Assembly appropriates to the Society for grants 56907  
or subsidies that the Society provides to other entities for their 56908  
site-related programs. 56909

**Section 301.10.** REP OHIO HOUSE OF REPRESENTATIVES 56910

General Revenue Fund 56911

GRF 025-321 Operating Expenses \$ 20,574,568 \$ 20,574,568 56912

TOTAL GRF General Revenue Fund \$ 20,574,568 \$ 20,574,568 56913

General Services Fund Group 56914

103 025-601 House Reimbursement \$ 1,433,664 \$ 1,433,664 56915

4A4 025-602 Miscellaneous Sales \$ 37,849 \$ 37,849 56916

TOTAL GSF General Services 56917

Fund Group	\$	1,471,513	\$	1,471,513	56918
TOTAL ALL BUDGET FUND GROUPS	\$	22,046,081	\$	22,046,081	56919

OPERATING EXPENSES 56920

On July 1, 2007, or as soon as possible thereafter, the Chief 56921  
Administrative Officer of the House of Representatives shall 56922  
certify to the Director of Budget and Management the total fiscal 56923  
year 2007 unencumbered appropriations in appropriation item 56924  
025-321, Operating Expenses. The Chief Administrative Officer may 56925  
direct the Director of Budget and Management to transfer an amount 56926  
not to exceed the total fiscal year 2007 unencumbered 56927  
appropriations to fiscal year 2008 for use within appropriation 56928  
item 025-321, Operating Expenses. Additional appropriation 56929  
authority equal to the amount certified by the Chief 56930  
Administrative Officer is hereby appropriated to appropriation 56931  
item 025-321, Operating Expenses, in fiscal year 2008. 56932

On July 1, 2008, or as soon as possible thereafter, the Chief 56933  
Administrative Officer of the House of Representatives shall 56934  
certify to the Director of Budget and Management the total fiscal 56935  
year 2008 unencumbered appropriations in appropriation item 56936  
025-321, Operating Expenses. The Chief Administrative Officer may 56937  
direct the Director of Budget and Management to transfer an amount 56938  
not to exceed the total fiscal year 2008 unencumbered 56939  
appropriations to fiscal year 2009 for use within appropriation 56940  
item 025-321, Operating Expenses. Additional appropriation 56941  
authority equal to the amount certified by the Chief 56942  
Administrative Officer is hereby appropriated to appropriation 56943  
item 025-321, Operating Expenses, in fiscal year 2009. 56944

**Section 303.10.** HFA OHIO HOUSING FINANCE AGENCY 56945

Agency Fund Group					56946
5AZ 997-601 Housing Finance Agency	\$	9,750,953	\$	10,237,491	56947
Personal Services					



TOTAL AGY Agency Fund Group	\$	9,750,953	\$	10,237,491	56948
TOTAL ALL BUDGET FUND GROUPS	\$	9,750,953	\$	10,237,491	56949

**Section 305.10.** IGO OFFICE OF THE INSPECTOR GENERAL 56951

General Revenue Fund					56952
GRF 965-321 Operating Expenses	\$	1,367,372	\$	1,437,901	56953
TOTAL GRF General Revenue Fund	\$	1,367,372	\$	1,437,901	56954
General Services Fund Group					56955
4Z3 965-602 Special Investigations	\$	375,000	\$	375,000	56956
TOTAL GSF General Services Fund	\$	375,000	\$	375,000	56957
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,742,372	\$	1,812,901	56958

**Section 307.10.** INS DEPARTMENT OF INSURANCE 56960

Federal Special Revenue Fund Group					56961
3U5 820-602 OSHIIP Operating Grant	\$	1,100,000	\$	1,100,000	56962
TOTAL FED Federal Special					56963
Revenue Fund Group	\$	1,100,000	\$	1,100,000	56964
State Special Revenue Fund Group					56965
554 820-601 Operating Expenses -	\$	553,750	\$	569,269	56966
OSHIIP					
554 820-606 Operating Expenses	\$	23,350,236	\$	23,802,797	56967
555 820-605 Examination	\$	7,639,581	\$	7,868,768	56968
TOTAL SSR State Special Revenue					56969
Fund Group	\$	31,543,567	\$	32,240,834	56970
TOTAL ALL BUDGET FUND GROUPS	\$	32,643,567	\$	33,340,834	56971

MARKET CONDUCT EXAMINATION 56972

When conducting a market conduct examination of any insurer	56973
doing business in this state, the Superintendent of Insurance may	56974
assess the costs of the examination against the insurer. The	56975
superintendent may enter into consent agreements to impose	56976
administrative assessments or fines for conduct discovered that	56977

may be violations of statutes or rules administered by the 56978  
 superintendent. All costs, assessments, or fines collected shall 56979  
 be deposited to the credit of the Department of Insurance 56980  
 Operating Fund (Fund 554). 56981

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 56982

The Director of Budget and Management, at the request of the 56983  
 Superintendent of Insurance, may transfer funds from the 56984  
 Department of Insurance Operating Fund (Fund 554), established by 56985  
 section 3901.021 of the Revised Code, to the Superintendent's 56986  
 Examination Fund (Fund 555), established by section 3901.071 of 56987  
 the Revised Code, only for expenses incurred in examining domestic 56988  
 fraternal benefit societies as required by section 3921.28 of the 56989  
 Revised Code. 56990

TRANSFER FROM FUND 554 TO GENERAL REVENUE FUND 56991

Not later than the thirty-first day of July each fiscal year, 56992  
 the Director of Budget and Management shall transfer \$5,000,000 56993  
 from the Department of Insurance Operating Fund to the General 56994  
 Revenue Fund. 56995

**Section 309.10.** JFS DEPARTMENT OF JOB AND FAMILY SERVICES 56996

General Revenue Fund 56997

GRF 600-321 Support Services 56998

State	\$	50,710,978	\$	52,496,413	56999
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Federal	\$	10,460,286	\$	11,290,237	57000
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Support Services Total	\$	61,171,264	\$	63,786,650	57001
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GRF 600-410 TANF State	\$	272,619,061	\$	272,619,061	57002
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GRF 600-413 Child Care	\$	84,120,596	\$	84,120,596	57003
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Match/Maintenance of

Effort

GRF 600-416 Computer Projects					57004
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State	\$	115,701,181	\$	116,419,033	57005
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	Federal	\$	21,548,144	\$	21,192,117	57006
	Computer Projects Total	\$	137,249,325	\$	137,611,150	57007
GRF 600-420	Child Support Administration	\$	8,541,446	\$	10,641,446	57008
GRF 600-421	Office of Family Stability	\$	4,614,932	\$	4,614,932	57009
GRF 600-423	Office of Children and Families	\$	5,650,000	\$	5,900,000	57010
GRF 600-425	Office of Ohio Health Plans					57011
	State	\$	22,500,000	\$	22,500,000	57012
	Federal	\$	23,324,848	\$	23,418,368	57013
	Office of Ohio Health Plans Total	\$	45,824,848	\$	45,918,368	57014
GRF 600-502	Administration - Local	\$	34,014,103	\$	34,014,103	57015
GRF 600-511	Disability Financial Assistance	\$	24,028,480	\$	25,335,908	57016
GRF 600-512	Non-TANF Disaster Assistance	\$	1,000,000	\$	1,000,000	57017
GRF 600-521	Entitlement Administration - Local	\$	130,000,000	\$	130,000,000	57018
GRF 600-523	Children and Families Services	\$	78,515,135	\$	78,515,135	57019
GRF 600-525	Health Care/Medicaid					57020
	State	\$	3,428,852,719	\$	3,558,124,242	57021
	Federal	\$	5,205,558,695	\$	5,707,943,410	57022
	Health Care Total	\$	8,634,411,414	\$	9,266,067,652	57023
GRF 600-526	Medicare Part D	\$	254,397,401	\$	271,854,640	57024
GRF 600-528	Adoption Services					57025
	State	\$	40,043,266	\$	43,978,301	57026
	Federal	\$	44,081,243	\$	49,196,065	57027
	Adoption Services Total	\$	84,124,509	\$	93,174,366	57028
TOTAL GRF General Revenue Fund						57029

	State		\$ 5,304,973,216	\$ 5,813,040,197	57030
	Federal		\$ 5,304,973,216	\$ 5,813,040,197	57031
	GRF Total		\$ 8,962,781,360	\$ 9,606,558,186	57032
General Services Fund Group					57033
4A8	600-658	Child Support	\$ 26,680,794	\$ 26,680,794	57034
		Collections			
4R4	600-665	BCII Services/Fees	\$ 36,974	\$ 36,974	57035
5BG	600-653	Managed Care	\$ 210,655,034	\$ 222,667,304	57036
		Assessment			
5C9	600-671	Medicaid Program	\$ 80,120,048	\$ 80,120,048	57037
		Support			
5DL	600-639	Medicaid Revenue and	\$ 51,966,785	\$ 56,296,844	57038
		Collections			
5N1	600-677	County Technologies	\$ 1,000,000	\$ 1,000,000	57039
5P5	600-692	Health Care Services	\$ 93,000,000	\$ 62,000,000	57040
613	600-645	Training Activities	\$ 135,000	\$ 135,000	57041
TOTAL GSF General Services					57042
Fund Group					57043
			\$ 463,594,635	\$ 448,936,964	57043
Federal Special Revenue Fund Group					57044
3AW	600-675	Faith Based	\$ 1,000,000	\$ 1,000,000	57045
		Initiatives			
3A2	600-641	Emergency Food	\$ 2,900,000	\$ 3,500,000	57046
		Distribution			
3D3	600-648	Children's Trust Fund	\$ 2,040,524	\$ 2,040,524	57047
		Federal			
3F0	600-623	Health Care Federal	\$ 1,209,188,383	\$ 1,211,196,561	57048
3F0	600-650	Hospital Care	\$ 343,239,047	\$ 343,239,047	57049
		Assurance Match			
3G5	600-655	Interagency	\$ 1,469,763,073	\$ 1,513,855,965	57050
		Reimbursement			
3H7	600-617	Child Care Federal	\$ 207,269,463	\$ 200,167,593	57051
3N0	600-628	IV-E Foster Care	\$ 153,963,142	\$ 153,963,142	57052

		Maintenance				
3S5	600-622	Child Support Projects	\$	534,050	\$	534,050 57053
3V0	600-688	Workforce Investment	\$	232,568,453	\$	233,082,144 57054
		Act				
3V4	600-678	Federal Unemployment	\$	147,411,858	\$	152,843,414 57055
		Programs				
3V4	600-679	Unemployment	\$	3,092,890	\$	3,191,862 57056
		Compensation Review				
		Commission - Federal				
3V6	600-689	TANF Block Grant	\$	1,037,739,200	\$	1,085,861,099 57057
3W3	600-659	TANF/Title XX Transfer	\$	9,782,101	\$	6,200,000 57058
327	600-606	Child Welfare	\$	48,514,502	\$	47,947,309 57059
331	600-686	Federal Operating	\$	53,963,318	\$	56,263,225 57060
384	600-610	Food Stamps and State	\$	160,237,060	\$	153,147,118 57061
		Administration				
385	600-614	Refugee Services	\$	10,196,547	\$	11,057,826 57062
395	600-616	Special	\$	5,723,131	\$	5,717,151 57063
		Activities/Child and				
		Family Services				
396	600-620	Social Services Block	\$	114,479,464	\$	114,474,085 57064
		Grant				
396	600-651	Second Harvest Food	\$	5,500,000	\$	5,500,000 57065
		Banks				
397	600-626	Child Support	\$	303,661,307	\$	303,538,962 57066
398	600-627	Adoption Maintenance/	\$	318,172,168	\$	317,483,676 57067
		Administration				
TOTAL FED		Federal Special Revenue				57068
Fund Group			\$	5,840,939,681	\$	5,925,804,753 57069
State Special Revenue		Fund Group				57070
198	600-647	Children's Trust Fund	\$	6,788,522	\$	6,788,522 57071
4A9	600-607	Unemployment	\$	12,273,062	\$	12,188,996 57072
		Compensation				
		Administration Fund				

4A9	600-694	Unemployment Compensation Review Commission	\$	1,726,938	\$	1,811,004	57073
4E3	600-605	Nursing Home Assessments	\$	4,759,914	\$	4,759,914	57074
4E7	600-604	Child and Family Services Collections	\$	300,000	\$	300,000	57075
4J5	600-613	Nursing Facility Bed Assessments	\$	34,613,984	\$	34,613,984	57076
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	57077
4K1	600-621	ICF/MR Bed Assessments	\$	19,332,437	\$	19,332,437	57078
4R3	600-687	Banking Fees	\$	800,000	\$	800,000	57079
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	57080
5DB	600-637	Military Injury Grants	\$	2,000,000	\$	2,000,000	57081
5ES	600-630	Food Assistance	\$	500,000	\$	500,000	57082
5F2	600-667	Building Consolidation	\$	250,000	\$	250,000	57083
5F3	600-668	Building Consolidation	\$	1,000,000	\$	1,000,000	57084
5Q9	600-619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	57085
5R2	600-608	Medicaid-Nursing Facilities	\$	175,000,000	\$	175,000,000	57086
5S3	600-629	MR/DD Medicaid Administration and Oversight	\$	1,620,960	\$	1,620,960	57087
5U3	600-654	Health Care Services Administration	\$	9,867,284	\$	12,000,349	57088
5U6	600-663	Children and Family Support	\$	4,928,718	\$	4,928,718	57089
5Z9	600-672	TANF Quality Control Reinvestments	\$	520,971	\$	546,254	57090
651	600-649	Hospital Care Assurance Program Fund	\$	231,893,404	\$	231,893,404	57091

TOTAL SSR State Special Revenue				57092	
Fund Group	\$	590,002,192	\$	592,160,540	57093
Agency Fund Group				57094	
192 600-646 Support Intercept -	\$	110,000,000	\$	110,000,000	57095
Federal					
5B6 600-601 Food Stamp Intercept	\$	2,000,000	\$	2,000,000	57096
583 600-642 Support Intercept -	\$	16,000,000	\$	16,000,000	57097
State					
TOTAL AGY Agency Fund Group	\$	128,000,000	\$	128,000,000	57098
Holding Account Redistribution Fund Group				57099	
R12 600-643 Refunds and Audit	\$	3,600,000	\$	3,600,000	57100
Settlements					
R13 600-644 Forgery Collections	\$	10,000	\$	10,000	57101
TOTAL 090 Holding Account	\$	3,610,000	\$	3,610,000	57102
Redistribution Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$16,886,429,022		\$17,623,686,264		57103

**Section 309.20. SUPPORT SERVICES** 57105

**Section 309.20.10. GOVERNOR'S OFFICE OF FAITH-BASED AND** 57106  
**COMMUNITY INITIATIVES** 57107

Of the foregoing appropriation item 600-321, Support 57108  
 Services, up to \$312,500 per fiscal year may be used to support 57109  
 the activities of the Governor's Office of Faith-Based and 57110  
 Community Initiatives. 57111

**Section 309.20.30. AGENCY FUND GROUP** 57112

The Agency Fund Group and Holding Account Redistribution Fund 57113  
 Group shall be used to hold revenues until the appropriate fund is 57114  
 determined or until the revenues are directed to the appropriate 57115  
 governmental agency other than the Department of Job and Family 57116  
 Services. If it is determined that additional appropriation 57117

authority is necessary, such amounts are hereby appropriated. 57118

**Section 309.30. MEDICAID** 57119

**Section 309.30.10. HEALTH CARE/MEDICAID** 57120

The foregoing appropriation item 600-525, Health 57121  
Care/Medicaid, shall not be limited by section 131.33 of the 57122  
Revised Code. 57123

**Section 309.30.13. CHILDREN'S HOSPITALS** 57124

The Department of Job and Family Services shall submit to the 57125  
United States Secretary of Health and Human Services an amendment 57126  
to the State Medicaid Plan for the purpose of requesting federal 57127  
approval to create a program under which the Department makes 57128  
supplemental Medicaid payments to children's hospitals for 57129  
inpatient services based on federal upper payment limits for 57130  
children's hospitals. On receipt of federal approval, the 57131  
Department shall implement the program. Under the program, the 57132  
Department shall pay children's hospitals the federally allowable 57133  
supplemental payment for hospital discharges qualifying for the 57134  
program and occurring in fiscal year 2008 and fiscal year 2009. 57135

Of the foregoing appropriation item, 600-525, Health 57136  
Care/Medicaid, up to \$6 million (state share) in each fiscal year 57137  
plus the corresponding federal match, if available, shall be used 57138  
by the Department to pay the expenses of the program created under 57139  
this section. 57140

**Section 309.30.16. MEDICAID RESERVE FUND** 57141

The Medicaid Reserve Fund is hereby created in the state 57142  
treasury. 57143

Not later than July 31, 2007, or as soon as possible 57144  
thereafter, the Director of Budget and Management shall transfer, 57145



for fiscal year 2008, \$100,000,000 in cash from the General Revenue Fund to the Medicaid Reserve Fund. 57146  
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If at any time during fiscal year 2008 the Director of Budget and Management determines that additional appropriations are needed in appropriation item 600-525, Health Care/Medicaid, to fund the Medicaid Program, the Director of Budget and Management may submit a request to the Controlling Board to transfer cash from the Medicaid Reserve Fund. The request shall state the reasons for the transfer and the additional amounts being requested. The request shall be submitted at a regularly scheduled meeting of the Controlling Board. If the Controlling Board approves the transfer, the Director of Budget and Management shall transfer the approved amount of cash from the Medicaid Reserve Fund to the General Revenue Fund and increase the state share of appropriations in appropriation item 600-525, Health Care/Medicaid, and adjust the federal share accordingly. Any such transfers and adjustments are hereby appropriated. 57148  
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At the end of fiscal year 2008, the Director of Budget and Management shall transfer from the Medicaid Reserve Fund all the cash balance, including any interest earnings, in excess of any transfers approved by the Controlling Board to the credit of the General Revenue Fund. The Director of Budget and Management shall make transfers to the Budget Stabilization Fund or the Income Tax Reduction Fund in accordance with section 131.44 of the Revised Code. 57163  
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Not later than July 31, 2008, or as soon as possible thereafter, the Director of Budget and Management shall transfer, for fiscal year 2009, \$185,000,000 in cash from the General Revenue Fund to the Medicaid Reserve Fund. 57171  
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If at any time during fiscal year 2009 the Director of Budget and Management determines that additional appropriations are needed in appropriation item 600-525, Health Care/Medicaid, to 57175  
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fund the Medicaid Program, the Director of Budget and Management 57178  
may submit a request to the Controlling Board to transfer cash 57179  
from the Medicaid Reserve Fund. The request shall state the 57180  
reasons for the transfer and the additional amounts being 57181  
requested. The request shall be submitted at a regularly scheduled 57182  
meeting of the Controlling Board. If the Controlling Board 57183  
approves the transfer, the Director of Budget and Management shall 57184  
transfer the approved amount of cash from the Medicaid Reserve 57185  
Fund to the General Revenue Fund and increase the state share of 57186  
appropriations in appropriation item 600-525, Health 57187  
Care/Medicaid, and adjust the federal share accordingly. Any such 57188  
transfers and adjustments are hereby appropriated. 57189

At the end of fiscal year 2009, the Director of Budget and 57190  
Management shall transfer from the Medicaid Reserve Fund all the 57191  
cash balance, including any interest earnings, in excess of any 57192  
transfers approved by the Controlling Board to the credit of the 57193  
General Revenue Fund. The Director of Budget and Management shall 57194  
make transfers to the Budget Stabilization Fund and the Income Tax 57195  
Reduction Fund in accordance with section 131.44 of the Revised 57196  
Code. 57197

**Section 309.30.20. FISCAL YEAR 2008 MEDICAID REIMBURSEMENT** 57198  
**SYSTEM FOR NURSING FACILITIES** 57199

(A) As used in this section: 57200

"Franchise permit fee," "Medicaid days," "nursing facility," 57201  
and "provider" have the same meanings as in section 5111.20 of the 57202  
Revised Code. 57203

"Nursing facility services" means nursing facility services 57204  
covered by the Medicaid program that a nursing facility provides 57205  
to a resident of the nursing facility who is a Medicaid recipient 57206  
eligible for Medicaid-covered nursing facility services. 57207

(B) Except as otherwise provided by this section, the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2007, and a valid Medicaid provider agreement during fiscal year 2008 shall be paid, for nursing facility services the nursing facility provides during fiscal year 2008, the rate calculated for the nursing facility under sections 5111.20 to 5111.33 of the Revised Code with the following adjustments:

(1) The cost per case mix-unit calculated under section 5111.231 of the Revised Code, the rate for ancillary and support costs calculated under section 5111.24 of the Revised Code, the rate for capital costs calculated under section 5111.25 of the Revised Code, and the rate for tax costs calculated under section 5111.242 of the Revised Code shall each be adjusted as follows:

(a) Increase the cost and rates so calculated by two per cent;

(b) Increase the cost and rates determined under division (B)(1)(a) of this section by two per cent;

(c) Increase the cost and rates determined under division (B)(1)(b) of this section by one per cent.

(2) The mean payment used in the calculation of the quality incentive payment made under section 5111.244 of the Revised Code shall be, weighted by Medicaid days, three dollars and three cents per Medicaid day.

(C) If the rate determined for a nursing facility under division (B) of this section for nursing facility services provided during fiscal year 2008 is more than one hundred one and seventy-five one-hundredths per cent of the rate the provider is paid for nursing facility services the nursing facility provides on June 30, 2007, the Department of Job and Family Services shall reduce the nursing facility's fiscal year 2008 rate so that the

rate is not more than one hundred one and seventy-five hundredths 57239  
per cent of the nursing facility's rate for June 30, 2007. If the 57240  
rate determined for a nursing facility under division (B) of this 57241  
section for nursing facility services provided during fiscal year 57242  
2008 is less than ninety-eight and twenty-five hundredths per cent 57243  
of the rate the provider is paid for nursing facility services the 57244  
nursing facility provides on June 30, 2007, the Department shall 57245  
increase the nursing facility's fiscal year 2008 rate so that the 57246  
rate is not less than ninety-eight and twenty-five hundredths per 57247  
cent of the nursing facility's rate for June 30, 2007. 57248

(D) If the United States Centers for Medicare and Medicaid 57249  
Services requires that the franchise permit fee be reduced or 57250  
eliminated, the Department of Job and Family Services shall reduce 57251  
the amount it pays providers of nursing facility services under 57252  
this section as necessary to reflect the loss to the state of the 57253  
revenue and federal financial participation generated from the 57254  
franchise permit fee. 57255

(E) The Department of Job and Family Services shall follow 57256  
this section in determining the rate to be paid to the provider of 57257  
a nursing facility that has a valid Medicaid provider agreement on 57258  
June 30, 2007, and a valid Medicaid provider agreement during 57259  
fiscal year 2008 notwithstanding anything to the contrary in 57260  
sections 5111.20 to 5111.33 of the Revised Code. 57261

**Section 309.30.30. FISCAL YEAR 2009 MEDICAID REIMBURSEMENT** 57262  
**SYSTEM FOR NURSING FACILITIES** 57263

(A) As used in this section: 57264

"Franchise permit fee," "Medicaid days," "nursing facility," 57265  
and "provider" have the same meanings as in section 5111.20 of the 57266  
Revised Code. 57267

"Nursing facility services" means nursing facility services 57268

covered by the Medicaid program that a nursing facility provides 57269  
to a resident of the nursing facility who is a Medicaid recipient 57270  
eligible for Medicaid-covered nursing facility services. 57271

(B) Except as otherwise provided by this section, the 57272  
provider of a nursing facility that has a valid Medicaid provider 57273  
agreement on June 30, 2008, and a valid Medicaid provider 57274  
agreement during fiscal year 2009 shall be paid, for nursing 57275  
facility services the nursing facility provides during fiscal year 57276  
2009, the rate calculated for the nursing facility under sections 57277  
5111.20 to 5111.33 of the Revised Code with the following 57278  
adjustments: 57279

(1) The cost per case mix-unit calculated under section 57280  
5111.231 of the Revised Code, the rate for ancillary and support 57281  
costs calculated under section 5111.24 of the Revised Code, the 57282  
rate for capital costs calculated under section 5111.25 of the 57283  
Revised Code, and the rate for tax costs calculated under section 57284  
5111.242 of the Revised Code shall each be adjusted as follows: 57285

(a) Increase the cost and rates so calculated by two per 57286  
cent; 57287

(b) Increase the cost and rates determined under division 57288  
(B)(1)(a) of this section by two per cent; 57289

(c) Increase the cost and rates determined under division 57290  
(B)(1)(b) of this section by one per cent; 57291

(d) Increase the cost and rates determined under division 57292  
(B)(1)(c) of this section by one half of a per cent. 57293

(2) The mean payment used in the calculation of the quality 57294  
incentive payment made under section 5111.244 of the Revised Code 57295  
shall be, weighted by Medicaid days, three dollars and five cents 57296  
per Medicaid day. 57297

(C) If the rate determined for a nursing facility under 57298

division (B) of this section for nursing facility services 57299  
provided during fiscal year 2009 is more than one hundred one and 57300  
one-half per cent of the rate the provider is paid for nursing 57301  
facility services the nursing facility provides on June 30, 2008, 57302  
the Department of Job and Family Services shall reduce the nursing 57303  
facility's fiscal year 2009 rate so that the rate is not more than 57304  
one hundred one and one-half per cent of the nursing facility's 57305  
rate for June 30, 2008. If the rate determined for a nursing 57306  
facility under division (B) of this section for nursing facility 57307  
services provided during fiscal year 2009 is less than 57308  
ninety-eight and one-half per cent of the rate the provider is 57309  
paid for nursing facility services the nursing facility provides 57310  
on June 30, 2008, the Department shall increase the nursing 57311  
facility's fiscal year 2009 rate so that the rate is not less than 57312  
ninety-eight and one-half per cent of the nursing facility's rate 57313  
for June 30, 2008. 57314

(D) If the United States Centers for Medicare and Medicaid 57315  
Services requires that the franchise permit fee be reduced or 57316  
eliminated, the Department of Job and Family Services shall reduce 57317  
the amount it pays providers of nursing facility services under 57318  
this section as necessary to reflect the loss to the state of the 57319  
revenue and federal financial participation generated from the 57320  
franchise permit fee. 57321

(E) The Department of Job and Family Services shall follow 57322  
this section in determining the rate to be paid to the provider of 57323  
a nursing facility that has a valid Medicaid provider agreement on 57324  
June 30, 2008, and a valid Medicaid provider agreement during 57325  
fiscal year 2009 notwithstanding anything to the contrary in 57326  
sections 5111.20 to 5111.33 of the Revised Code. 57327

**Section 309.30.40. FISCAL YEARS 2008 AND 2009 MEDICAID** 57328  
REIMBURSEMENT SYSTEM FOR ICFs/MR 57329

(A) As used in this section: 57330

"Intermediate care facility for the mentally retarded" has 57331  
the same meaning as in section 5111.20 of the Revised Code. 57332

"Medicaid days" means all days during which a resident who is 57333  
a Medicaid recipient occupies a bed in an intermediate care 57334  
facility for the mentally retarded that is included in the 57335  
facility's Medicaid-certified capacity. Therapeutic or hospital 57336  
leave days for which payment is made under section 5111.33 of the 57337  
Revised Code are considered Medicaid days proportionate to the 57338  
percentage of the intermediate care facility for the mentally 57339  
retarded's per resident per day rate paid for those days. 57340

"Per diem rate" means the per diem rate calculated pursuant 57341  
to sections 5111.20 to 5111.33 of the Revised Code. 57342

(B) Notwithstanding sections 5111.20 to 5111.33 of the 57343  
Revised Code, rates paid to intermediate care facilities for the 57344  
mentally retarded under the Medicaid program shall be subject to 57345  
the following limitations: 57346

(1) For fiscal year 2008, the mean total per diem rate for 57347  
all intermediate care facilities for the mentally retarded in the 57348  
state, weighted by May 2007 Medicaid days and calculated as of 57349  
July 1, 2007, shall not exceed \$266.14. 57350

(2) For fiscal year 2009, the mean total per diem rate for 57351  
all intermediate care facilities for the mentally retarded in the 57352  
state, weighted by May 2008 Medicaid days and calculated as of 57353  
July 1, 2008, shall not exceed \$271.46. 57354

(3) If the mean total per diem rate for all intermediate care 57355  
facilities for the mentally retarded in the state for fiscal year 57356  
2008 or 2009, weighted by Medicaid days as specified in division 57357  
(B)(1) or (2) of this section, as appropriate, and calculated as 57358  
of the first day of July of the calendar year in which the fiscal 57359  
year begins, exceeds the amount specified in division (B)(1) or 57360

(2) of this section, as applicable, the Department of Job and Family Services shall reduce the total per diem rate for each intermediate care facility for the mentally retarded in the state by a percentage that is equal to the percentage by which the mean total per diem rate exceeds the amount specified in division (B)(1) or (2) of this section for that fiscal year.

(4) Subsequent to any reduction required by division (B)(3) of this section, the rate of an intermediate care facility for the mentally retarded shall not be subject to any adjustments authorized by sections 5111.20 to 5111.33 of the Revised Code during the remainder of the year.

**Section 309.30.45. INCREASE IN MEDICAID RATES FOR PASSPORT SERVICES**

As used in this section, "PASSPORT program" means the program created under section 173.40 of the Revised Code.

The Director of Job and Family Services shall amend the rules adopted under section 5111.85 of the Revised Code as necessary to accomplish the following:

(A) Increase, for fiscal year 2008, the Medicaid reimbursement rates for services provided under the PASSPORT program to rates that result in an amount that is three per cent higher than the amount resulting from the rates in effect June 30, 2007.

(B) Increase, for fiscal year 2009, the Medicaid reimbursement rates for services provided under the PASSPORT program to rates that result in an amount that is three per cent higher than the amount resulting from the rates in effect June 30, 2008.

**Section 309.30.50. HOME FIRST PROGRAM**



(A) As used in this section:	57390
(1) "Area agency on aging" has the same meaning as in section 173.14 of the Revised Code.	57391 57392
(2) "Long-Term Care Consultation Program" means the program the Department of Aging is required to develop under section 173.42 of the Revised Code.	57393 57394 57395
(3) "Long-Term Care Consultation Program administrator" or "administrator" means the Department of Aging or, if the Department contracts with an area agency on aging or other entity to administer the Long-Term Care Consultation Program for a particular area, that agency or entity.	57396 57397 57398 57399 57400
(4) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.	57401 57402
(5) "PASSPORT program" means the program created under section 173.40 of the Revised Code.	57403 57404
(B) Each month during fiscal years 2008 and 2009, each area agency on aging shall determine whether individuals who reside in the area that the area agency on aging serves and are on a waiting list for the PASSPORT program have been admitted to a nursing facility. If an area agency on aging determines that such an individual has been admitted to a nursing facility, the agency shall notify the Long-Term Care Consultation Program administrator serving the area in which the individual resides about the determination. The administrator shall determine whether the PASSPORT program is appropriate for the individual and whether the individual would rather participate in the PASSPORT program than continue residing in the nursing facility. If the administrator determines that the PASSPORT program is appropriate for the individual and the individual would rather participate in the PASSPORT program than continue residing in the nursing facility, the administrator shall so notify the Department of Aging. On	57405 57406 57407 57408 57409 57410 57411 57412 57413 57414 57415 57416 57417 57418 57419 57420

receipt of the notice from the administrator, the Department of 57421  
Aging shall approve the enrollment of the individual in the 57422  
PASSPORT program regardless of whether other individuals who are 57423  
not in a nursing facility are ahead of the individual on the 57424  
PASSPORT program's waiting list. Each quarter, the Department of 57425  
Aging shall certify to the Director of Budget and Management the 57426  
increase in costs of the PASSPORT program based on the total 57427  
expenditures made for the individuals enrolled in the PASSPORT 57428  
program pursuant to this section. 57429

(C) On a quarterly basis, on receipt of the certified 57430  
expenditures, the Director of Budget and Management may do all of 57431  
the following: 57432

(1) Transfer the state share of the amount of the actual 57433  
expenditures from GRF appropriation item 600-525, Health 57434  
Care/Medicaid, to GRF appropriation item 490-403, PASSPORT; 57435

(2) Increase the appropriation in Ohio Department of Aging 57436  
Fund 3C4, appropriation item 490-607, PASSPORT, by the federal 57437  
share of the amount of the actual expenditures; 57438

(3) Increase the appropriation in JFS Fund 3G5, appropriation 57439  
item 600-655, Interagency Reimbursement, by the federal share of 57440  
the amount of the actual expenditures. 57441

The funds that the Director of Budget and Management 57442  
transfers and increases under this division are hereby 57443  
appropriated. 57444

(D) The individuals placed in the PASSPORT program pursuant 57445  
to this section shall be in addition to the individuals placed in 57446  
the PASSPORT program during fiscal years 2008 and 2009 based on 57447  
the amount of money that is in GRF appropriation item 490-403, 57448  
PASSPORT; Fund 4J4, appropriation item 490-610, 57449  
PASSPORT/Residential State Supplement; Fund 4U9, appropriation 57450  
item 490-602, PASSPORT Fund; and Fund 3C4, appropriation item 57451

490-607, PASSPORT, before any transfers to GRF appropriation item 57452  
490-403, PASSPORT, and Fund 3C4, appropriation item 490-607, 57453  
PASSPORT, are made under this section. 57454

**Section 309.30.60. MEDICAID COVERAGE OF CHIROPRACTIC SERVICES** 57455

(A) As used in this section, "adult Medicaid recipient" means 57456  
a Medicaid recipient twenty-two years of age or older. 57457

(B) For the period beginning January 1, 2009, and ending June 57458  
30, 2009, and subject to division (C) of this section, the 57459  
Medicaid Program shall cover chiropractic services for adult 57460  
Medicaid recipients in an amount, duration, and scope specified in 57461  
rules that the Director of Job and Family Services shall adopt 57462  
under section 5111.02 of the Revised Code. 57463

(C) The Medicaid Program's coverage of chiropractic services 57464  
under this section shall be limited as follows: 57465

(1) Fifteen visits per adult Medicaid recipient per fiscal 57466  
year; 57467

(2) The total costs of coverage under this section may not 57468  
exceed \$5,000,000 per fiscal year. 57469

**Section 309.30.70. MONEY FOLLOWS THE PERSON** 57470

(A) Subject to division (B) of this section, the Director of 57471  
Budget and Management may do any of the following in support of 57472  
any home and community-based services waiver program: 57473

(1) Create new funds and account appropriation items to 57474  
support and track funds associated with a unified long-term care 57475  
budget; 57476

(2) Transfer funds among affected agencies and adjust 57477  
corresponding appropriation levels; 57478

(3) Develop a reporting mechanism to show clearly how the 57479

funds are being transferred and expended. 57480

(B) Before an action may be taken under division (A) of this 57481  
section, the Director shall present the proposed action to the 57482  
Controlling Board. The Controlling Board shall review the proposed 57483  
action and either approve or disapprove the action. The Director 57484  
shall not implement the proposed action unless the action is 57485  
approved by the Controlling Board. 57486

**Section 309.30.90. MEDICAID ELIGIBILITY FOR PREGNANT WOMEN** 57487

The Director of Job and Family Services shall, not later than 57488  
ninety days after the effective date of this section, submit to 57489  
the United States Secretary of Health and Human Services an 57490  
amendment to the state Medicaid plan to increase to two hundred 57491  
per cent of the federal poverty guidelines the income limit 57492  
specified in division (A)(2) of section 5111.014 of the Revised 57493  
Code. The increase shall be implemented not earlier than January 57494  
1, 2008. 57495

**Section 309.31.10. MEDICARE PART D** 57496

The foregoing appropriation item 600-526, Medicare Part D, 57497  
may be used by the Department of Job and Family Services for the 57498  
implementation and operation of the Medicare Part D requirements 57499  
contained in the "Medicare Prescription Drug, Improvement, and 57500  
Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon 57501  
the request of the Department of Job and Family Services, the 57502  
Director of Budget and Management may increase the state share of 57503  
appropriations in either appropriation item 600-525, Health 57504  
Care/Medicaid, or appropriation item 600-526, Medicare Part D, 57505  
with a corresponding decrease in the state share of the other 57506  
appropriation item to allow the Department of Job and Family 57507  
Services to implement and operate the new Medicare Part D 57508  
requirements. If the state share of appropriation item 600-525, 57509

Health Care/Medicaid, is adjusted, the Director of Budget and Management shall adjust the federal share accordingly.

**Section 309.31.20. RESIDENT PROTECTION FUND**

If the Director of Budget and Management determines that the Resident Protection Fund created in section 5111.62 of the Revised Code has a cash balance, less encumbrances and appropriations, of more than \$2,000,000, the Department of Job and Family Services or its designee may issue a competitive request for grant proposals to support projects that will benefit the residents of nursing facilities that have been found to have deficiencies. The directors of Job and Family Services, Health, and Aging or their designees shall determine priority categories for funding, make awards, and determine which of the three agencies should administer each grant. Based on these determinations, the Director of Budget and Management may transfer cash and appropriations matching the amount of each award to the appropriate agency. Any such transfers are hereby appropriated.

**Section 309.31.30. OHIO ACCESS SUCCESS PROJECT**

Notwithstanding any limitations in sections 3721.51 and 3721.56 of the Revised Code, in each fiscal year, cash from Fund 4J5, Home and Community-Based Services for the Aged, in excess of the amounts needed for the transfers may be used by the Department of Job and Family Services for the following purposes: (A) up to \$1.0 million in each fiscal year to fund the state share of audits of nursing facilities and intermediate care facilities for the mentally retarded; and (B) up to \$350,000 in each fiscal year to provide one-time transitional benefits under the Ohio Access Success Project that the Director of Job and Family Services may establish under section 5111.88 of the Revised Code.

**Section 309.31.40. TRANSFER OF FUNDS TO THE DEPARTMENT OF**

AGING 57540

The Department of Job and Family Services shall transfer, 57541  
through intrastate transfer vouchers, cash from Fund 4J5, Home and 57542  
Community-Based Services for the Aged, to Fund 4J4, PASSPORT, in 57543  
the Department of Aging. The sum of the transfers shall be 57544  
\$33,263,984 in each fiscal year. The transfer may occur on a 57545  
quarterly basis or on a schedule developed and agreed to by both 57546  
departments. 57547

**Section 309.31.50. PROVIDER FRANCHISE FEE OFFSETS** 57548

(A) At least quarterly, the Director of Job and Family 57549  
Services shall certify to the Director of Budget and Management 57550  
both of the following: 57551

(1) The amount of offsets withheld under section 3721.541 of 57552  
the Revised Code from payments made from the General Revenue Fund. 57553

(2) The amount of offsets withheld under section 5112.341 of 57554  
the Revised Code from payments made from the General Revenue Fund. 57555

(B) The Director of Budget and Management may transfer cash 57556  
from the General Revenue Fund to all of the following: 57557

(1) Fund 4J5, Home and Community Based Services/Aged Fund, or 57558  
Fund 5R2, Nursing Facility Stabilization Fund, in accordance with 57559  
sections 3721.56 and 3721.561 of the Revised Code; 57560

(2) Fund 4K1, ICF/MR Bed Assessments. 57561

(C) Amounts transferred pursuant to this section are hereby 57562  
appropriated. 57563

**Section 309.31.60. TRANSFER OF FUNDS TO THE DEPARTMENT OF** 57564  
**MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES** 57565

The Department of Job and Family Services shall transfer, 57566  
through intrastate transfer vouchers, cash from Fund 4K1, ICF/MR 57567

Bed Assessments, to Fund 4K8, Home and Community-Based Services, 57568  
in the Department of Mental Retardation and Developmental 57569  
Disabilities. The amount transferred shall equal \$12,000,000 in 57570  
each fiscal year. The transfer may occur on a quarterly basis or 57571  
on a schedule developed and agreed to by both departments. 57572

**Section 309.31.70. FUNDING FOR TRANSITION WAIVER SERVICES** 57573

Notwithstanding any limitations contained in sections 5112.31 57574  
and 5112.37 of the Revised Code, in each fiscal year, cash from 57575  
Fund 4K1, ICF/MR Bed Assessments, in excess of the amounts needed 57576  
for transfers to Fund 4K8, Home and Community-Based Services, in 57577  
the Department of Mental Retardation and Developmental 57578  
Disabilities, may be used by the Department of Job and Family 57579  
Services to cover costs of care provided to participants in a 57580  
waiver with an ICF/MR level of care requirement administered by 57581  
the Department of Job and Family Services. 57582

**Section 309.31.80. PAYMENTS FROM THE DEPARTMENT OF EDUCATION** 57583  
**FOR MEDICAID SERVICES** 57584

At the request of the Director of Job and Family Services, 57585  
the Director of Budget and Management may increase the 57586  
appropriation in appropriation item 600-639, Medicaid Revenue and 57587  
Collections, by the amounts paid to the department pursuant to 57588  
section 3317.023 of the Revised Code. 57589

**Section 309.31.90. HOSPITAL CARE ASSURANCE MATCH** 57590

Appropriation item 600-650, Hospital Care Assurance Match, 57591  
shall be used by the Department of Job and Family Services solely 57592  
for distributing funds to hospitals under section 5112.08 of the 57593  
Revised Code. 57594

**Section 309.32.10. HEALTH CARE SERVICES ADMINISTRATION FUND** 57595

Of the amount received by the Department of Job and Family Services during fiscal year 2008 and fiscal year 2009 from the first installment of assessments paid under section 5112.06 of the Revised Code and intergovernmental transfers made under section 5112.07 of the Revised Code, the Director of Job and Family Services shall deposit \$350,000 in each fiscal year into the state treasury to the credit of the Health Care Services Administration Fund (Fund 5U3).

**Section 309.32.20. MEDICAID PROGRAM SUPPORT FUND - STATE** 57604

The foregoing appropriation item 600-671, Medicaid Program Support, shall be used by the Department of Job and Family Services to pay for Medicaid services and contracts. The Department may also deposit to Fund 5C9 revenues received from other state agencies for Medicaid services under the terms of interagency agreements between the Department and other state agencies, and all funds the Department recovers because the benefits a person received under the disability medical assistance program established in section 5115.10 of the Revised Code were determined to be covered by the 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** 57616  
57617

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** 57625



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** 57629

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** 57637

**Section 309.40.10. WAIVER OF FOOD STAMP WORK REQUIREMENTS** 57638

Pursuant to 7 U.S.C. 2015(o)(4)(A)(i), the Department of Job and Family Services shall request that the United States Secretary of Agriculture waive the applicability of the work requirement of 7 U.S.C. 2015(o)(2) during fiscal years 2008 and 2009 to food stamp benefit recipients who reside in a county of this state that the Department determines has an unemployment rate of over 10 per cent or does not have a sufficient number of jobs to provide employment for the recipients.

**Section 309.40.20. FOOD STAMPS TRANSFER** 57647

On July 1, 2007, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$1,000,000 in cash from Fund 384, Food Stamp Program, to Fund 5ES, Food Assistance.

**Section 309.40.30. OHIO ASSOCIATION OF SECOND HARVEST FOOD** 57652

BANKS 57653

As used in this section, "federal poverty guidelines" has the 57654  
same meaning as in section 5101.46 of the Revised Code. 57655

Notwithstanding section 5101.46 of the Revised Code, the 57656  
Department of Job and Family Services shall provide \$5,500,000 in 57657  
each fiscal year from the foregoing appropriation item 600-651, 57658  
Second Harvest Food Banks, to the Ohio Association of Second 57659  
Harvest Food Banks. The Department shall enter into a grant 57660  
agreement with the Ohio Association of Second Harvest Food Banks 57661  
to allow for the purchase of food products and the distribution of 57662  
those food products to agencies participating in the emergency 57663  
food distribution program. Notwithstanding section 5101.46 of the 57664  
Revised Code, the grant may permit the Ohio Association of Second 57665  
Harvest Food Banks to use up to 5 per cent of the annual funding 57666  
for administrative costs. As soon as possible after entering into 57667  
a grant agreement at the beginning of each fiscal year, the 57668  
Department may advance grant funds to the grantee under section 57669  
5101.10 of the Revised Code and in accordance with federal law. 57670

Prior to entering into the grant agreement, the Ohio 57671  
Association of Second Harvest Food Banks shall submit to the 57672  
Department for approval a plan for the distribution of the food 57673  
products to local food distribution agencies. If the plan meets 57674  
the requirements and conditions established by the Department, the 57675  
plan shall be incorporated into the grant agreement. The grant 57676  
agreement shall also require the Ohio Association of Second 57677  
Harvest Food Banks to ensure that local agencies will limit 57678  
participation of individuals and families who receive any of the 57679  
food products purchased with these funds to those who have an 57680  
income at or below 200 per cent of the federal poverty guidelines. 57681  
The Department and the Ohio Association of Second Harvest Food 57682  
Banks shall agree on reporting requirements to be incorporated 57683  
into the grant agreement, including a statement of expected 57684

performance outcomes from the Ohio Association of Second Harvest 57685  
Food Banks and a requirement for their evaluation of their success 57686  
in achieving those outcomes. 57687

**Section 309.40.33. CHILD SUPPORT COLLECTIONS/TANF MOE** 57688

The foregoing appropriation item 600-658, Child Support 57689  
Collections, shall be used by the Department of Job and Family 57690  
Services to meet the TANF maintenance of effort requirements of 42 57691  
U.S.C. 609(a)(7). When the state is assured that it will meet the 57692  
maintenance of effort requirement, the Department of Job and 57693  
Family Services may use funds from appropriation item 600-658, 57694  
Child Support Collections, to support child support activities. 57695

**Section 309.40.40. TANF INITIATIVES** 57696

The Department of Job and Family Services, in accordance with 57697  
sections 5101.80 and 5101.801 of the Revised Code, shall take the 57698  
steps necessary, through interagency agreement, adoption of rules, 57699  
or otherwise as determined by the Department, to implement and 57700  
administer the Title IV-A programs identified in this section. 57701

**KINSHIP PERMANENCY INCENTIVE PROGRAM** 57702

Of the foregoing appropriation item 600-689, TANF Block Grant 57703  
(Fund 3V6), up to \$10 million per fiscal year shall be used to 57704  
support the activities of the Kinship Permanency Incentive Program 57705  
created under section 5101.802 of the Revised Code. 57706

The Department of Job and Family Services shall prepare 57707  
reports concerning both of the following: 57708

(A) Stability and permanency outcomes for children for whom 57709  
incentive payments are made under the Kinship Permanency Incentive 57710  
Program; 57711

(B) The total amount of payments made under the Program, 57712  
patterns of expenditures made per child under the Program, and 57713

cost savings realized through the Program from placement with 57714  
kinship caregivers rather than other out-of-home placements. 57715

The Department shall submit a report to the Governor, the 57716  
Speaker and Minority Leader of the House of Representatives, and 57717  
the President and Minority Leader of the Senate not later than 57718  
December 31, 2008, and December 31, 2010. 57719

The amendments made by this act to section 5101.802 of the 57720  
Revised Code shall not affect the eligibility of any kinship 57721  
caregiver whose eligibility was established before the effective 57722  
date of this section. 57723

OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 57724

Of the foregoing appropriation item 600-689, TANF Block Grant 57725  
(Fund 3V6), the Department of Job and Family Services shall use up 57726  
to \$600,000 in each fiscal year to support expenditures of the 57727  
Ohio Alliance of Boys and Girls Clubs pursuant to section 5101.801 57728  
of the Revised Code to provide after-school programs that protect 57729  
at-risk children and enable youth to become responsible adults. 57730  
The Ohio Alliance of Boys and Girls Clubs shall provide 57731  
nutritional meals, snacks, and educational, youth development, and 57732  
career development services to TANF eligible children 57733  
participating in programs and activities operated by eligible Boys 57734  
and Girls Clubs. 57735

The Department of Job and Family Services and the Ohio 57736  
Alliance of Boys and Girls Clubs shall agree on reporting 57737  
requirements to be incorporated into the grant agreement. 57738

CHILDREN'S HUNGER ALLIANCE 57739

Of the foregoing appropriation item 600-689, TANF Block Grant 57740  
(Fund 3V6), up to \$750,000 in each fiscal year shall be reimbursed 57741  
to the Children's Hunger Alliance pursuant to section 5101.801 of 57742  
the Revised Code for Child Nutrition Program outreach efforts. 57743

SCHOOL READINESS ENRICHMENT	57744
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$6,500,000 in each fiscal year shall be used for TANF eligible activities pursuant to section 5101.801 of the Revised Code to provide intervention services to prepare children for kindergarten.	57745 57746 57747 57748 57749
FOOD BANKS	57750
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$1,500,000 in each fiscal year shall be used to reimburse the Ohio network of food banks pursuant to section 5101.801 of the Revised Code for purchases and distribution of food products.	57751 57752 57753 57754 57755
GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES	57756
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.	57757 57758 57759 57760 57761
ADOPTION PROMOTION	57762
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.	57763 57764 57765 57766 57767 57768
INDEPENDENT LIVING INITIATIVES	57769
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,	57770 57771 57772 57773

including life skills training and work supports for older 57774  
children in foster care and those who have recently aged out of 57775  
foster care. 57776

CLOSING THE ACHIEVEMENT GAP 57777

Of the foregoing appropriation item 600-689, TANF Block Grant 57778  
(Fund 3V6), up to \$10,000,000 in each fiscal year shall be used 57779  
for TANF eligible activities pursuant to section 5101.801 of the 57780  
Revised Code to provide intervention services aimed at improving 57781  
the African-American male graduation rate. 57782

FAMILY SERVICE OF THE CINCINNATI AREA 57783

Of the foregoing appropriation item 600-689, TANF Block Grant 57784  
(Fund 3V6), up to \$25,000 in each fiscal year shall be used to 57785  
reimburse, in accordance with section 5101.801 of the Revised 57786  
Code, Family Service of the Cincinnati Area for the International 57787  
Family Resource Center program. 57788

PARENT MENTORS 57789

Of the foregoing appropriation item 600-689, TANF Block Grant 57790  
(Fund 3V6), up to \$250,000 in fiscal year 2008 shall be used to 57791  
reimburse the Department of Education pursuant to section 5101.801 57792  
of the Revised Code for providing funding for an additional ten 57793  
parent mentors. This additional support for parent mentors shall 57794  
be aimed at increasing support for parents with children who have 57795  
special needs, thereby reducing stress on the family and 57796  
encouraging the maintenance of two parent families. Such funding 57797  
shall be in addition to that which is provided for parent 57798  
mentoring programs in GRF appropriation item 200-540, Special 57799  
Education Enhancements, in the Department of Education. 57800

ACCOUNTABILITY AND CREDIBILITY TOGETHER 57801

Of the foregoing appropriation item 600-689, TANF Block 57802  
Grant, up to \$1,000,000 in each fiscal year shall be reimbursed to 57803

Accountability and Credibility Together (ACT) to continue its 57804  
welfare diversion program to TANF eligible individuals pursuant to 57805  
section 5101.801 of the Revised Code. 57806

AMERICAN ACADEMY OF PEDIATRICS 57807

Of the foregoing appropriation item 600-689, TANF Block Grant 57808  
(Fund 3V6), up to \$100,000 in fiscal year 2008 shall be used to 57809  
reimburse, in accordance with section 5101.801 of the Revised 57810  
Code, the American Academy of Pediatrics for the Reach Out and 57811  
Read program. 57812

HOME WEATHERIZATION 57813

Of the foregoing appropriation item 600-689, TANF Block Grant 57814  
(Fund 3V6), up to \$500,000 in each fiscal year shall be used to 57815  
reimburse, in accordance with section 5101.801 of the Revised 57816  
Code, the Corporation for Ohio Appalachian Development for home 57817  
weatherization. 57818

PROVIDENCE HOUSE 57819

Of the foregoing appropriation item 600-689, TANF Block Grant 57820  
(Fund 3V6), up to \$100,000 in fiscal year 2008 shall be used to 57821  
reimburse, in accordance with section 5101.801 of the Revised 57822  
Code, the Providence House for providing crisis intervention 57823  
services for children who are at risk of abuse and neglect. 57824

BUTLER COUNTY SUCCESS PLAN 57825

Of the foregoing appropriation item 600-689, TANF Block Grant 57826  
(Fund 3V6), up to \$100,000 in fiscal year 2008 shall be used to 57827  
provide reimbursement, in accordance with section 5101.801 of the 57828  
Revised Code, for the Butler County Success Plan. 57829

HOME ENERGY ASSISTANCE PROGRAM 57830

The Department of Job and Family Services shall transfer, 57831  
through intrastate transfer voucher, \$45,000,000 in cash in fiscal 57832  
year 2008 and \$15,000,000 in fiscal year 2009 from Fund 3V6, TANF 57833

Block Grant, to Fund 3BJ, TANF Heating Assistance, in the 57834  
Department of Development, in accordance with an interagency 57835  
agreement. The Departments of Job and Family Services and 57836  
Development shall enter into an interagency agreement for 57837  
providing reimbursement to the Department of Development to 57838  
administer the Title IV-A funded Home Energy Assistance Program 57839  
(HEAP), which provides assistance with home energy fuel costs to 57840  
needy families with children. 57841

**Section 309.40.60. EARLY LEARNING INITIATIVE** 57842

(A) As used in this section: 57843

(1) "Title IV-A services" means benefits and services that 57844  
are allowable under Title IV-A of the "Social Security Act," as 57845  
specified in 42 U.S.C. 604(a), except that they shall not be 57846  
benefits and services included in the term "assistance" as defined 57847  
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 57848  
excluded from the definition of the term "assistance" under 45 57849  
C.F.R. 260.31(b). 57850

(2) "Title IV-A funds" means funds provided under the 57851  
temporary assistance for needy families block grant established by 57852  
Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 57853  
U.S.C. 601, as amended. 57854

(3) "Eligible child" means a child who is at least three 57855  
years of age but not of compulsory school age or enrolled in 57856  
kindergarten, is eligible for Title IV-A services, and whose 57857  
family income at the time of application does not exceed one 57858  
hundred eighty-five per cent of the federal poverty line in fiscal 57859  
year 2008 or two hundred per cent of the federal poverty line in 57860  
fiscal year 2009. 57861

(4) "Early learning program" means a program for eligible 57862  
children that is funded with Title IV-A funds and provides Title 57863



IV-A services, according to the purposes listed in 45 C.F.R. 57864  
260.20(c), that are early learning services, as defined by 57865  
pursuant to division (D)(1) of this section. 57866

(5) "Early learning provider" means an entity that is 57867  
receiving Title IV-A funds to operate an early learning program. 57868

(6) "Early learning agency" means an early learning provider 57869  
or an entity that has entered into an agreement with an early 57870  
learning provider requiring the early learning provider to operate 57871  
an early learning program on behalf of the entity. 57872

(7) "Federal poverty line" has the same meaning as in section 57873  
5104.01 of the Revised Code. 57874

(8) "Of compulsory school age" has the same meaning as in 57875  
section 3321.01 of the Revised Code. 57876

(B) The Early Learning Initiative is hereby established. The 57877  
Department of Education and the Department of Job and Family 57878  
Services shall administer the Initiative in accordance with 57879  
sections 5101.80 and 5101.801 of the Revised Code. The Initiative 57880  
shall provide early learning services to eligible children. Early 57881  
learning programs may provide early learning services on a 57882  
full-day basis, a part-day basis, or both a full-day and part-day 57883  
basis. 57884

(C) The Department of Job and Family Services shall do both 57885  
of the following: 57886

(1) Reimburse early learning agencies for Title IV-A services 57887  
provided to eligible children according to the terms of the 57888  
contract and the rules adopted under division (C)(2) of this 57889  
section; 57890

(2) In consultation with the Department of Education, adopt 57891  
rules in accordance with Chapter 119. of the Revised Code to 57892  
implement the Early Learning Initiative. The rules shall include 57893

all of the following: 57894

(a) Provisions regarding the establishment of co-payments for 57895  
families of eligible children whose family income is more than one 57896  
hundred sixty-five per cent of the federal poverty line but equal 57897  
to or less than the maximum amount of family income authorized for 57898  
an eligible child as defined in division (A)(3) of this section; 57899

(b) An exemption from co-payment requirements for families 57900  
whose family income is equal to or less than one hundred 57901  
sixty-five per cent of the federal poverty line; 57902

(c) A definition of "enrollment" for the purpose of 57903  
compensating early learning agencies; 57904

(d) Provisions that establish compensation rates for early 57905  
learning agencies based on the enrollment of eligible children; 57906

(e) Caretaker employment eligibility requirements for 57907  
participation in the Early Learning Initiative. These requirements 57908  
shall specify the minimum number of hours that the caretaker of 57909  
the eligible child must be employed and the time period over which 57910  
the minimum number of hours is to be measured. These minimum hours 57911  
may overlap the period during the day or week in which the child 57912  
participates in the early learning program. These requirements 57913  
shall permit the child to be determined to be, and remain, an 57914  
eligible child for up to thirty days if the county department of 57915  
job and family services determines that the caretaker is expected 57916  
to begin engaging in an approved activity within that thirty-day 57917  
period. These rules shall require the county department of job and 57918  
family services to inform both the early learning agency and the 57919  
Department of Job and Family Services of this determination. These 57920  
rules shall require the Department of Job and Family Services to 57921  
designate the activities that constitute approved activities for 57922  
purposes of this requirement and to periodically review the 57923  
requirement described in this division to ensure that it complies 57924

with federal law and regulations. 57925

(D) The Department of Education shall do all of the 57926  
following: 57927

(1) Define the early learning services that will be provided 57928  
to eligible children through the Early Learning Initiative; 57929

(2) In consultation with the Department of Job and Family 57930  
Services, develop an application form and criteria for the 57931  
selection of early learning agencies. The criteria shall require 57932  
an early learning agency, or each early learning provider with 57933  
which the agency has entered into an agreement for the operation 57934  
of an early learning program on the agency's behalf, to be 57935  
licensed or certified by the Department of Education under 57936  
sections 3301.52 to 3301.59 of the Revised Code or by the 57937  
Department of Job and Family Services under Chapter 5104. of the 57938  
Revised Code; 57939

(3) Establish early learning program guidelines for school 57940  
readiness to assess the operation of early learning programs. 57941

(E) Any entity that seeks to be an early learning agency 57942  
shall apply to the Department of Education by a deadline 57943  
established by the Department. The Department of Education shall 57944  
select entities that meet the criteria established under division 57945  
(D)(2) of this section to be early learning agencies. Upon 57946  
selection of an entity to be an early learning agency, the 57947  
Department of Education shall designate the number of eligible 57948  
children the agency may enroll. The Department of Education shall 57949  
notify the Department of Job and Family Services of the number so 57950  
designated. 57951

(F) The Department of Education and the Department of Job and 57952  
Family Services shall enter into a contract with each early 57953  
learning agency selected under division (E) of this section. The 57954  
requirements of section 127.16 of the Revised Code do not apply to 57955

contracts entered into under this section. The contract shall 57956  
outline the terms and conditions applicable to the provision of 57957  
Title IV-A services for eligible children and shall include at 57958  
least the following: 57959

(1) The respective duties of the early learning agency, the 57960  
Department of Education, and the Department of Job and Family 57961  
Services; 57962

(2) Requirements applicable to the allowable use of and 57963  
accountability for Title IV-A compensation paid under the 57964  
contract; 57965

(3) Reporting requirements, including a requirement that the 57966  
early learning provider inform the Department of Education when 57967  
the provider learns that a kindergarten eligible child will not be 57968  
enrolled in kindergarten; 57969

(4) The compensation schedule payable under the contract; 57970

(5) Audit requirements; 57971

(6) Provisions for suspending, modifying, or terminating the 57972  
contract. 57973

(G) If an early learning agency, or an early learning 57974  
provider operating an early learning program on the agency's 57975  
behalf, substantially fails to meet the early learning program 57976  
guidelines for school readiness or exhibits below average 57977  
performance, as determined by the Department of Education, the 57978  
agency shall develop and implement a corrective action plan. The 57979  
Department of Education shall approve the corrective action plan 57980  
prior to implementation. 57981

(H) If an early learning agency fails to implement a 57982  
corrective action plan under division (G) of this section, the 57983  
Department of Education may direct the Department of Job and 57984  
Family Services to either withhold funding or request that the 57985

Department of Job and Family Services suspend or terminate the contract with the agency.	57986 57987
(I) Each early learning program shall do all of the following:	57988 57989
(1) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;	57990 57991
(2) Align curriculum to the early learning content standards;	57992
(3) Meet any assessment requirements prescribed by section 3301.0715 of the Revised Code that apply to the program;	57993 57994
(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;	57995 57996 57997 57998 57999 58000
(5) Document and report child progress;	58001
(6) Meet and report compliance with the early learning program guidelines for school success;	58002 58003
(7) Participate in early language and literacy classroom observation evaluation studies.	58004 58005
(J) Each county Department of Job and Family Services shall determine eligibility for Title IV-A services for children seeking to enroll in an early learning program within fifteen days after receipt of a completed application in accordance with rules adopted under this section.	58006 58007 58008 58009 58010
(K) The provision of early learning services in an early learning program shall not prohibit or otherwise prevent an individual from obtaining certificates for payment under division (C) of section 5104.32 of the Revised Code.	58011 58012 58013 58014
(L) Notwithstanding section 126.07 of the Revised Code:	58015

(1) Any fiscal year 2008 contract executed prior to July 1, 58016  
2007, between the Departments of Job and Family Services and 58017  
Education and an early learning agency that was not an early 58018  
learning agency as of June 30, 2007, shall be deemed to be 58019  
effective as of July 1, 2007, upon issuance of a state purchase 58020  
order, even if the purchase order is approved at some later date. 58021

(2) Any fiscal year 2008 contract executed between the 58022  
Departments of Job and Family Services and Education and an early 58023  
learning agency that had a valid contract for early learning 58024  
services on June 30, 2007, shall be deemed to be effective as of 58025  
July 1, 2007, upon the issuance of a state purchase order, even if 58026  
the purchase order is approved at some later date. 58027

(3) Any fiscal year 2009 contract executed prior to July 1, 58028  
2008, between the Departments of Job and Family Services and 58029  
Education and an early learning agency that was not an early 58030  
learning agency as of June 30, 2008, shall be deemed to be 58031  
effective as of July 1, 2008, upon issuance of a state purchase 58032  
order, even if the purchase order is approved at some later date. 58033

(4) Any fiscal year 2009 contract executed between the 58034  
Departments of Job and Family Services and Education and an early 58035  
learning agency that had a valid contract for early learning 58036  
services on June 30, 2008, shall be deemed to be effective as of 58037  
July 1, 2008, upon the issuance of a state purchase order, even if 58038  
the purchase order is approved at some later date. 58039

(M) Of the foregoing appropriation item 600-689, TANF Block 58040  
Grant (Fund 3V6), up to \$125,256,000 shall be used in each fiscal 58041  
year to compensate early learning agencies under this section. The 58042  
Departments of Job and Family Services and Education shall 58043  
contract for up to 12,000 enrollment slots for eligible children 58044  
in each fiscal year through the Early Learning Initiative. 58045

(N) Of the foregoing appropriation item 600-689, TANF Block 58046

Grant (Fund 3V6), up to \$800,000 in each fiscal year may be used 58047  
by the Department of Job and Family Services for administration of 58048  
the Early Learning Initiative. 58049

(O) Up to \$2,200,000 in each fiscal year may be used by the 58050  
Department of Education to perform administrative functions for 58051  
the Early Learning Initiative. The Department of Job and Family 58052  
Services shall transfer, through intrastate transfer vouchers, 58053  
cash from Fund 3V6, TANF Block Grant, to Fund 5W2, Early Learning 58054  
Initiative, in the Department of Education. The amount transferred 58055  
shall not exceed \$2,200,000 in fiscal year 2008 and \$2,200,000 in 58056  
fiscal year 2009. The transfer shall occur on a reimbursement 58057  
basis on a schedule developed and agreed to by both departments. 58058

**Section 309.50. CHILDREN AND FAMILIES** 58059

**Section 309.50.10. CHILD WELFARE TRAINING INITIATIVE** 58060

In each fiscal year, the Department of Job and Family 58061  
Services shall grant \$50,000 from appropriation item 600-528, 58062  
Adoption Services, and \$150,000 from appropriation item 600-606, 58063  
Child Welfare (Fund 327), to the National Center for Adoption Law 58064  
and Policy to fund a multi-disciplinary child welfare training 58065  
initiative. The Department of Job and Family Services shall 58066  
coordinate with the National Center for Adoption Law and Policy to 58067  
determine the focus of the training provided each year. 58068

**ADOPTION LAWSITE INITIATIVE** 58069

In each fiscal year, the Department of Job and Family 58070  
Services shall grant \$37,500 from appropriation item 600-528, 58071  
Adoption Services, and \$112,500 from appropriation item 600-606, 58072  
Child Welfare (Fund 327), to the National Center for Adoption Law 58073  
and Policy to fund expansion of the Adoption LawSite Initiative. 58074

**Section 309.50.20. CHILDREN'S TRUST FUND** 58075

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 309.50.30.** A child day-care center or type A or B family day-care home participating in the voluntary child care quality-rating program established pursuant to section 5104.30 of the Revised Code and providing publicly funded child care is eligible to receive a reimbursement rate for the publicly funded child care up to the sixty-fifth percentile of the 2006 Ohio Child Care Market Rate Survey if the center or home participates in the program in fiscal year 2008 and maintains a two-star program rating in fiscal year 2009, according to the program rating system established in rules adopted pursuant to section 5104.30 of the Revised Code.

**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 certified by the Director of Job and Family Services from Fund 331



to Fund 5DB, Military Injury Grants. The transferred funds shall 58106  
be used to support grants to eligible individuals under section 58107  
5101.98 of the Revised Code and rules adopted in accordance with 58108  
that section. 58109

**Section 309.70.20. WORKFORCE DEVELOPMENT GRANT AGREEMENT** 58110

The Department of Job and Family Services may use 58111  
appropriations from appropriation item 600-688, Workforce 58112  
Investment Act, to provide financial assistance for workforce 58113  
development activities included in a grant agreement entered into 58114  
by the department in accordance with section 5101.20 of the 58115  
Revised Code. 58116

**OHIO STATE APPRENTICESHIP COUNCIL** 58117

Of the foregoing appropriation item 600-688, Workforce 58118  
Investment Act, up to \$1,900,000 in fiscal year 2008 and up to 58119  
\$2,200,000 in fiscal year 2009 may be used to support the 58120  
activities of the Ohio State Apprenticeship Council. 58121

**YOUTH EMPLOYMENT PROGRAMS** 58122

Of the foregoing appropriation item 600-688, Workforce 58123  
Investment Act, up to \$6,000,000 over the biennium shall be used 58124  
for competitive grants to eight major urban centers and four other 58125  
locations, at least two of which are rural, to provide strategies 58126  
and programs that meet the needs of at-risk youth. The program 58127  
shall target youth who have disengaged from the education system 58128  
and youthful offenders who will be returning to their communities. 58129  
Eligible grant applications include governmental units, workforce 58130  
investment boards, and not-for-profit and for-profit entities. 58131  
Grant funds may be used for youth wages and benefits, supervisory 58132  
costs, training and support costs, and infrastructure expenses. 58133  
Grant funds may not be used for construction or renovation of 58134  
facilities. 58135

THIRD FRONTIER INTERNSHIP PROGRAM	58136
Of the foregoing appropriation item 600-688, Workforce	58137
Investment Act, \$1,500,000 in each fiscal year shall be used to	58138
support the Third Frontier Internship program.	58139
NURSE EDUCATION ASSISTANCE	58140
Of the foregoing appropriation item 600-688, Workforce	58141
Investment Act, \$700,000 in each fiscal year shall be used to	58142
support the Nurse Education Assistance program described in	58143
division (C)(1)(a) of section 3333.28 of the Revised Code.	58144
<b>Section 309.80. UNEMPLOYMENT COMPENSATION</b>	58145
<b>Section 309.80.10. EMPLOYER SURCHARGE</b>	58146
The surcharge and the interest on the surcharge amounts due	58147
for calendar years 1988, 1989, and 1990 as required by Am. Sub.	58148
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the	58149
118th General Assembly, and section 4141.251 of the Revised Code	58150
as it existed prior to its repeal by Sub. H.B. 478 of the 122nd	58151
General Assembly, again shall be assessed and collected by,	58152
accounted for, and made available to the Department of Job and	58153
Family Services in the same manner as set forth in section	58154
4141.251 of the Revised Code as it existed prior to its repeal by	58155
Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the	58156
repeal of the surcharge for calendar years after 1990, pursuant to	58157
Sub. H.B. 478 of the 122nd General Assembly, except that amounts	58158
received by the Director on or after July 1, 2001, shall be	58159
deposited into the Unemployment Compensation Special	58160
Administrative Fund (Fund 4A9) established pursuant to section	58161
4141.11 of the Revised Code.	58162
<b>Section 309.80.20. FEDERAL UNEMPLOYMENT PROGRAMS</b>	58163
All unexpended funds remaining at the end of fiscal year 2007	58164

that were appropriated and made available to the state under 58165  
section 903(d) of the Social Security Act, as amended, in the 58166  
foregoing appropriation item 600-678, Federal Unemployment 58167  
Programs (Fund 3V4), are hereby appropriated to the Department of 58168  
Job and Family Services. Upon the request of the Director of Job 58169  
and Family Services, the Director of Budget and Management may 58170  
increase the appropriation for fiscal year 2008 by the amount 58171  
remaining unspent from the fiscal year 2007 appropriation and may 58172  
increase the appropriation for fiscal year 2009 by the amount 58173  
remaining unspent from the fiscal year 2008 appropriation. The 58174  
appropriation shall be used under the direction of the Department 58175  
of Job and Family Services to pay for administrative activities 58176  
for the Unemployment Insurance Program, employment services, and 58177  
other allowable expenditures under section 903(d) of the Social 58178  
Security Act, as amended. 58179

The amounts obligated pursuant to this section shall not 58180  
exceed at any time the amount by which the aggregate of the 58181  
amounts transferred to the account of the state under section 58182  
903(d) of the Social Security Act, as amended, exceeds the 58183  
aggregate of the amounts obligated for administration and paid out 58184  
for benefits and required by law to be charged against the amounts 58185  
transferred to the account of the state. 58186

**Section 309.80.30. TIME-LIMITED MEDICAID PROVIDER AGREEMENTS** 58187

Each Medicaid provider agreement that is not time-limited on 58188  
the effective date of section 5111.028 of the Revised Code, as 58189  
enacted by this act, shall be converted by the Department of Job 58190  
and Family Services into a time-limited provider agreement. The 58191  
converted provider agreement shall expire three years from 58192  
effective date of the conversion. The Department shall notify the 58193  
provider in writing that provider agreement has been converted 58194  
into a time-limited provider agreement. 58195

Notwithstanding division (B) of section 5111.06 of the Revised Code, the Department is not required to issue an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code when converting a provider agreement under this section.

**Section 311.10.** JCO JUDICIAL CONFERENCE OF OHIO

General Revenue Fund

GRF 018-321 Operating Expenses	\$	985,710	\$	1,015,281	58203
TOTAL GRF General Revenue Fund	\$	985,710	\$	1,015,281	58204

General Services Fund Group

403 018-601 Ohio Jury Instructions	\$	350,000	\$	350,000	58206
TOTAL GSF General Services Fund	\$	350,000	\$	350,000	58207

Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,335,710	\$	1,365,281	58208
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STATE COUNCIL OF UNIFORM STATE LAWS

Notwithstanding section 105.26 of the Revised Code, of the foregoing appropriation item 018-321, Operating Expenses, up to \$71,000 in fiscal year 2008 and up to \$73,000 in fiscal year 2009 may be used to pay the expenses of the State Council of Uniform State Laws, including membership dues to the National Conference of Commissioners on Uniform State Laws.

OHIO JURY INSTRUCTIONS FUND

The Ohio Jury Instructions Fund (Fund 403) shall consist of grants, royalties, dues, conference fees, bequests, devises, and other gifts received for the purpose of supporting costs incurred by the Judicial Conference of Ohio in dispensing educational and informational data to the state's judicial system. Fund 403 shall be used by the Judicial Conference of Ohio to pay expenses incurred in dispensing educational and informational data to the state's judicial system. All moneys accruing to Fund 403 in excess

of \$350,000 in fiscal year 2008 and in excess of \$350,000 in 58225  
 fiscal year 2009 are hereby appropriated for the purposes 58226  
 authorized. 58227

No money in the Ohio Jury Instructions Fund shall be 58228  
 transferred to any other fund by the Director of Budget and 58229  
 Management or the Controlling Board. 58230

**Section 313.10. JSC THE JUDICIARY/SUPREME COURT** 58231

General Revenue Fund 58232

GRF 005-321 Operating Expenses - \$ 127,778,192 \$ 133,144,970 58233  
 Judiciary/Supreme  
 Court

GRF 005-401 State Criminal \$ 331,500 \$ 336,770 58234  
 Sentencing Council

GRF 005-406 Law-Related Education \$ 229,290 \$ 236,172 58235

GRF 005-409 Ohio Courts Technology \$ 4,000,000 \$ 6,500,000 58236  
 Initiative

GRF 005-502 Commission for Legal \$ 250,000 \$ 350,000 58237  
 Education Opportunity

TOTAL GRF General Revenue Fund \$ 132,588,982 \$ 140,567,912 58238

General Services Fund Group 58239

672 005-601 Continuing Judicial \$ 136,000 \$ 140,000 58240  
 Education

TOTAL GSF General Services Fund \$ 136,000 \$ 140,000 58241  
 Group

Federal Special Revenue Fund Group 58242

3J0 005-603 Federal Grants \$ 1,518,491 \$ 1,467,693 58243

TOTAL FED Federal Special Revenue \$ 1,518,491 \$ 1,467,693 58244  
 Fund Group

State Special Revenue Fund Group 58245

4C8 005-605 Attorney Services \$ 3,841,416 \$ 3,936,058 58246

5T8 005-609 Grants and Awards	\$	100,000	\$	100,000	58247
6A8 005-606 Supreme Court	\$	1,496,633	\$	1,541,532	58248
Admissions					
TOTAL SSR State Special Revenue	\$	5,438,049	\$	5,577,590	58249
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	139,681,522	\$	147,753,195	58250
LAW-RELATED EDUCATION					58251
The foregoing appropriation item 005-406, Law-Related					58252
Education, shall be distributed directly to the Ohio Center for					58253
Law-Related Education for the purposes of providing continuing					58254
citizenship education activities to primary and secondary					58255
students, expanding delinquency prevention programs, increasing					58256
activities for at-risk youth, and accessing additional public and					58257
private money for new programs.					58258
OHIO COURTS TECHNOLOGY INITIATIVE					58259
The foregoing appropriation item 005-409, Ohio Courts					58260
Technology Initiative, shall be used to fund an initiative by the					58261
Supreme Court to facilitate the exchange of information and					58262
warehousing of data by and between Ohio courts and other justice					58263
system partners through the creation of an Ohio Courts Network,					58264
the delivery of technology services to courts throughout the					58265
state, including the provision of hardware, software, and the					58266
development and implementation of educational and training					58267
programs for judges and court personnel, and the creation and					58268
operation of the Commission on Technology and the Courts by the					58269
Supreme Court for the promulgation of statewide rules, policies,					58270
and uniform standards, and to aid in the orderly adoption and					58271
comprehensive use of technology in Ohio courts.					58272
COMMISSION FOR LEGAL EDUCATION OPPORTUNITY					58273
The foregoing appropriation item 005-502, Commission for					58274
Legal Education Opportunity, shall be used to fund activities of					58275

the Commission for Legal Education Opportunity created by the 58276  
Chief Justice of the Supreme Court of Ohio for purposes of 58277  
assisting minority, low-income, and educationally disadvantaged 58278  
college graduates in transition to legal education. Moneys 58279  
appropriated to the Commission for Legal Education Opportunity may 58280  
be used to establish and provide intensive course study designed 58281  
to prepare eligible college graduates for law education, provide 58282  
annual stipends for students who successfully complete the course 58283  
of study and are admitted to and maintain satisfactory academic 58284  
standing in an Ohio law school, and pay the administrative costs 58285  
associated with the program. 58286

CONTINUING JUDICIAL EDUCATION 58287

The Continuing Judicial Education Fund (Fund 672) shall 58288  
consist of fees paid by judges and court personnel for attending 58289  
continuing education courses and other gifts and grants received 58290  
for the purpose of continuing judicial education. The foregoing 58291  
appropriation item 005-601, Continuing Judicial Education, shall 58292  
be used to pay expenses for continuing education courses for 58293  
judges and court personnel. If it is determined by the 58294  
Administrative Director of the Supreme Court that additional 58295  
appropriations are necessary, the amounts are hereby appropriated. 58296

No money in the Continuing Judicial Education Fund shall be 58297  
transferred to any other fund by the Director of Budget and 58298  
Management or the Controlling Board. Interest earned on moneys in 58299  
the Continuing Judicial Education Fund shall be credited to the 58300  
fund. 58301

FEDERAL GRANTS 58302

The Federal Grants Fund (Fund 3J0) shall consist of grants 58303  
and other moneys awarded to the Supreme Court (The Judiciary) by 58304  
the United States Government or other entities that receive the 58305  
moneys directly from the United States Government and distribute 58306

those moneys to the Supreme Court (The Judiciary). The foregoing 58307  
appropriation item 005-603, Federal Grants, shall be used in a 58308  
manner consistent with the purpose of the grant or award. If it is 58309  
determined by the Administrative Director of the Supreme Court 58310  
that additional appropriations are necessary, the amounts are 58311  
hereby appropriated. 58312

No money in the Federal Grants Fund shall be transferred to 58313  
any other fund by the Director of Budget and Management or the 58314  
Controlling Board. However, interest earned on moneys in the 58315  
Federal Grants Fund shall be credited or transferred to the 58316  
General Revenue Fund. 58317

ATTORNEY SERVICES 58318

The Attorney Services Fund (Fund 4C8), formerly known as the 58319  
Attorney Registration Fund, shall consist of moneys received by 58320  
the Supreme Court (The Judiciary) pursuant to the Rules for the 58321  
Government of the Bar of Ohio. In addition to funding other 58322  
activities considered appropriate by the Supreme Court, the 58323  
foregoing appropriation item 005-605, Attorney Services, may be 58324  
used to compensate employees and to fund appropriate activities of 58325  
the following offices established by the Supreme Court: the Office 58326  
of Disciplinary Counsel, the Board of Commissioners on Grievances 58327  
and Discipline, the Clients' Security Fund, and the Attorney 58328  
Services Division. If it is determined by the Administrative 58329  
Director of the Supreme Court that additional appropriations are 58330  
necessary, the amounts are hereby appropriated. 58331

No moneys in the Attorney Services Fund shall be transferred 58332  
to any other fund by the Director of Budget and Management or the 58333  
Controlling Board. Interest earned on moneys in the Attorney 58334  
Services Fund shall be credited to the fund. 58335

GRANTS AND AWARDS 58336

The Grants and Awards Fund (Fund 5T8) shall consist of grants 58337



and other moneys awarded to the Supreme Court (The Judiciary) by 58338  
the State Justice Institute, the Division of Criminal Justice 58339  
Services, or other entities. The foregoing appropriation item 58340  
005-609, Grants and Awards, shall be used in a manner consistent 58341  
with the purpose of the grant or award. If it is determined by the 58342  
Administrative Director of the Supreme Court that additional 58343  
appropriations are necessary, the amounts are hereby appropriated. 58344

No moneys in the Grants and Awards Fund shall be transferred 58345  
to any other fund by the Director of Budget and Management or the 58346  
Controlling Board. However, interest earned on moneys in the 58347  
Grants and Awards Fund shall be credited or transferred to the 58348  
General Revenue Fund. 58349

SUPREME COURT ADMISSIONS 58350

The foregoing appropriation item 005-606, Supreme Court 58351  
Admissions, shall be used to compensate Supreme Court employees 58352  
who are primarily responsible for administering the attorney 58353  
admissions program under the Rules for the Government of the Bar 58354  
of Ohio, and to fund any other activities considered appropriate 58355  
by the court. Moneys shall be deposited into the Supreme Court 58356  
Admissions Fund (Fund 6A8) under the Supreme Court Rules for the 58357  
Government of the Bar of Ohio. If it is determined by the 58358  
Administrative Director of the Supreme Court that additional 58359  
appropriations are necessary, the amounts are hereby appropriated. 58360

No moneys in the Supreme Court Admissions Fund shall be 58361  
transferred to any other fund by the Director of Budget and 58362  
Management or the Controlling Board. Interest earned on moneys in 58363  
the Supreme Court Admissions Fund shall be credited to the fund. 58364

FUND ELIMINATION 58365

Effective July 1, 2007, or as soon as practicable thereafter, 58366  
the Director of Budget and Management shall transfer the cash 58367  
balance in the Commission on Continuing Legal Education Fund (Fund 58368

643) to the Attorney Services Fund (Fund 4C8). The director shall 58369  
cancel any existing encumbrances against appropriation item 58370  
005-607, Commission on Continuing Legal Education, and 58371  
re-establish them against appropriation item 005-605, Attorney 58372  
Services. The amounts of the re-established encumbrances are 58373  
hereby appropriated. Upon completion of these transfers, the 58374  
Commission on Continuing Legal Education Fund (Fund 643) is hereby 58375  
abolished. 58376

**Section 315.10. LEC LAKE ERIE COMMISSION** 58377

State Special Revenue Fund Group 58378

4C0 780-601 Lake Erie Protection \$ 450,000 \$ 450,000 58379  
Fund

5D8 780-602 Lake Erie Resources \$ 387,000 \$ 388,000 58380  
Fund

TOTAL SSR State Special Revenue 58381

Fund Group \$ 837,000 \$ 838,000 58382

TOTAL ALL BUDGET FUND GROUPS \$ 837,000 \$ 838,000 58383

**CASH TRANSFER** 58384

Not later than the thirtieth day of November of each fiscal 58385  
year, the Executive Director of the Ohio Lake Erie Office, with 58386  
the approval of the Lake Erie Commission, shall certify to the 58387  
Director of Budget and Management the cash balance in the Lake 58388  
Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet 58389  
operating expenses of the Lake Erie Office. The Lake Erie Office 58390  
may request the Director of Budget and Management to transfer up 58391  
to the certified amount from the Lake Erie Resources Fund (Fund 58392  
5D8) to the Lake Erie Protection Fund (Fund 4C0). The Director of 58393  
Budget and Management may transfer the requested amount, or the 58394  
Director may transfer a different amount up to the certified 58395  
amount. Cash transferred shall be used for the purposes described 58396  
in division (A) of section 1506.23 of the Revised Code. The amount 58397

transferred by the director is hereby appropriated to the 58398  
 foregoing appropriation item 780-601, Lake Erie Protection Fund, 58399  
 which shall be increased by the amount transferred. 58400

**Section 317.10.** LRS LEGAL RIGHTS SERVICE 58401

General Revenue Fund 58402

GRF 054-321 Support Services \$ 198,075 \$ 198,075 58403

GRF 054-401 Ombudsman \$ 291,247 \$ 291,247 58404

TOTAL GRF General Revenue Fund \$ 489,322 \$ 489,322 58405

General Services Fund Group 58406

5M0 054-610 Program Support \$ 81,352 \$ 81,352 58407

TOTAL GSF General Services 58408

Fund Group \$ 81,352 \$ 81,352 58409

Federal Special Revenue Fund Group 58410

3AG 054-613 Protection and \$ 115,000 \$ 115,000 58411

Advocacy - Voter  
 Accessibility

3B8 054-603 Protection and \$ 1,089,999 \$ 1,089,999 58412

Advocacy - Mentally  
 Ill

3CA 054-615 Work Incentives \$ 355,000 \$ 355,000 58413

Planning and  
 Assistance

3N3 054-606 Protection and \$ 560,000 \$ 560,000 58414

Advocacy - Individual  
 Rights

3N9 054-607 Assistive Technology \$ 160,000 \$ 160,000 58415

3R9 054-604 Family Support \$ 55,000 \$ 55,000 58416

Collaborative

3R9 054-616 Developmental \$ 130,000 \$ 130,000 58417

Disability  
 Publications

3T2	054-609	Client Assistance Program	\$	435,000	\$	435,000	58418
3X1	054-611	Protection and Advocacy for Beneficiaries of Social Security	\$	235,001	\$	235,001	58419
3Z6	054-612	Traumatic Brain Injury	\$	70,000	\$	70,000	58420
305	054-602	Protection and Advocacy - Developmentally Disabled	\$	1,500,000	\$	1,500,000	58421
TOTAL FED Federal Special Revenue							58422
Fund Group			\$	4,705,000	\$	4,705,000	58423
State Special Revenue Fund Group							58424
5AE	054-614	Grants and Contracts	\$	100,000	\$	100,000	58425
TOTAL SSR State Special Revenue							58426
Fund Group							
TOTAL ALL BUDGET FUND GROUPS							58427
 <b>Section 319.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE</b>							58429
General Revenue Fund							58430
GRF	028-321	Legislative Ethics Committee	\$	550,000	\$	550,000	58431
TOTAL GRF General Revenue Fund							58432
General Services Fund Group							58433
4G7	028-601	Joint Legislative Ethics Committee	\$	100,000	\$	100,000	58434
TOTAL GSF General Services Fund							58435
Group							
TOTAL ALL BUDGET FUND GROUPS							58436
 <b>Section 321.10. LSC LEGISLATIVE SERVICE COMMISSION</b>							58437

General Revenue Fund				58438
GRF 035-321 Operating Expenses	\$	15,167,700	\$ 15,167,700	58439
GRF 035-402 Legislative Interns	\$	1,022,120	\$ 1,022,120	58440
GRF 035-405 Correctional	\$	393,900	\$ 393,900	58441
Institution Inspection				
Committee				
GRF 035-409 National Associations	\$	460,560	\$ 460,560	58442
GRF 035-410 Legislative	\$	3,661,250	\$ 3,661,250	58443
Information Systems				
TOTAL GRF General Revenue Fund	\$	20,705,530	\$ 20,705,530	58444
General Services Fund Group				58445
4F6 035-603 Legislative Budget	\$	154,025	\$ 154,025	58446
Services				
410 035-601 Sale of Publications	\$	25,250	\$ 25,250	58447
5EF 035-607 House and Senate	\$	30,000	\$ 30,000	58448
Telephone Usage				
TOTAL GSF General Services				58449
Fund Group	\$	209,275	\$ 209,275	58450
TOTAL ALL BUDGET FUND GROUPS	\$	20,914,805	\$ 20,914,805	58451
JOINT LEGISLATIVE COMMITTEE ON MEDICAID TECHNOLOGY AND REFORM				58452
Of the foregoing appropriation item 035-321, Operating				58453
Expenses, \$100,000 in each fiscal year shall be used for costs				58454
associated with employing an executive director for the Joint				58455
Legislative Committee on Medicaid Technology and Reform as				58456
authorized by division (C) of section 101.391 of the Revised Code.				58457
OHIO ECONOMIC ANALYSIS				58458
Of the foregoing appropriation item 035-321, Operating				58459
Expenses, up to \$250,000 in each fiscal year shall be used to				58460
contract with a person, business, or other entity to provide the				58461
General Assembly with additional revenue forecasting and analysis				58462
of the Ohio economy.				58463

<b>Section 323.10. LIB STATE LIBRARY BOARD</b>				58464
General Revenue Fund				58465
GRF 350-321	Operating Expenses	\$ 6,298,677	\$ 6,298,677	58466
GRF 350-400	Ohio Public Library	\$ 4,330,000	\$ 4,330,000	58467
Information Network				
GRF 350-401	Ohioana Rental	\$ 124,816	\$ 124,816	58468
Payments				
GRF 350-501	Library for the	\$ 535,615	\$ 535,615	58469
Blind-Cincinnati				
GRF 350-502	Regional Library	\$ 1,010,441	\$ 1,010,441	58470
Systems				
GRF 350-503	Library for the	\$ 805,642	\$ 805,642	58471
Blind-Cleveland				
TOTAL GRF	General Revenue Fund	\$ 13,105,191	\$ 13,105,191	58472
General Services Fund Group				58473
139 350-602	Intra-Agency Service	\$ 9,000	\$ 9,000	58474
Charges				
4S4 350-604	Ohio Public Library	\$ 3,000,000	\$ 3,000,000	58475
Information Network				
Technology				
459 350-602	Library Service	\$ 2,708,092	\$ 2,708,092	58476
Charges				
TOTAL GSF	General Services			58477
Fund Group				\$ 5,717,092 \$ 5,717,092 58478
Federal Special Revenue Fund Group				58479
313 350-601	LSTA Federal	\$ 5,691,792	\$ 5,691,792	58480
TOTAL FED	Federal Special Revenue			58481
Fund Group				\$ 5,691,792 \$ 5,691,792 58482
TOTAL ALL BUDGET FUND GROUPS		\$ 24,514,075	\$ 24,514,075	58483
OHIOANA RENTAL PAYMENTS				58484
The foregoing appropriation item 350-401, Ohioana Rental				58485

Payments, shall be used to pay the rental expenses of the Martha	58486
Kinney Cooper Ohioana Library Association pursuant to section	58487
3375.61 of the Revised Code.	58488
LIBRARY FOR THE BLIND-CINCINNATI	58489
The foregoing appropriation item 350-501, Library for the	58490
Blind-Cincinnati, shall be used for the Talking Book program,	58491
which assists the blind and disabled.	58492
REGIONAL LIBRARY SYSTEMS	58493
The foregoing appropriation item 350-502, Regional Library	58494
Systems, shall be used to support regional library systems	58495
eligible for funding under sections 3375.83 and 3375.90 of the	58496
Revised Code.	58497
LIBRARY FOR THE BLIND-CLEVELAND	58498
The foregoing appropriation item 350-503, Library for the	58499
Blind-Cleveland, shall be used for the Talking Book program, which	58500
assists the blind and disabled.	58501
OHIO PUBLIC LIBRARY INFORMATION NETWORK	58502
The foregoing appropriation items 350-604, Ohio Public	58503
Library Information Network Technology, and 350-400, Ohio Public	58504
Library Information Network, shall be used for an information	58505
telecommunications network linking public libraries in the state	58506
and such others as may be certified as participants by the Ohio	58507
Public Library Information Network Board.	58508
The Ohio Public Library Information Network Board shall	58509
consist of eleven members appointed by the State Library Board	58510
from among the staff of public libraries and past and present	58511
members of boards of trustees of public libraries, based on the	58512
recommendations of the Ohio library community. The Ohio Public	58513
Library Information Network Board, in consultation with the State	58514
Library, shall develop a plan of operations for the network. The	58515

board may make decisions regarding use of the foregoing 58516  
appropriation items 350-400, Ohio Public Library Information 58517  
Network, and 350-604, Ohio Public Library Information Network 58518  
Technology, may receive and expend grants to carry out the 58519  
operations of the network in accordance with state law and the 58520  
authority to appoint and fix the compensation of a director and 58521  
necessary staff. The State Library shall be the fiscal agent for 58522  
the network and shall have fiscal accountability for the 58523  
expenditure of funds. The Ohio Public Library Information Network 58524  
Board members shall be reimbursed for actual travel and necessary 58525  
expenses incurred in carrying out their responsibilities. 58526

In order to limit access to obscene and illegal materials 58527  
through internet use at Ohio Public Library Information Network 58528  
(OPLIN) terminals, local libraries with OPLIN computer terminals 58529  
shall adopt policies that control access to obscene and illegal 58530  
materials. These policies may include use of technological systems 58531  
to select or block certain internet access. The OPLIN shall 58532  
condition provision of its funds, goods, and services on 58533  
compliance with these policies. The OPLIN Board shall also adopt 58534  
and communicate specific recommendations to local libraries on 58535  
methods to control such improper usage. These methods may include 58536  
each library implementing a written policy controlling such 58537  
improper use of library terminals and requirements for parental 58538  
involvement or written authorization for juvenile internet usage. 58539

Of the foregoing appropriation item 350-400, Ohio Public 58540  
Library Information Network, up to \$100,000 in each fiscal year 58541  
shall be used to help local libraries purchase or maintain filters 58542  
to screen out obscene and illegal internet materials. 58543

The OPLIN Board shall research and assist or advise local 58544  
libraries with regard to emerging technologies and methods that 58545  
may be effective means to control access to obscene and illegal 58546  
materials. The OPLIN Executive Director shall biannually provide 58547



written reports to the Governor, the Speaker and Minority Leader 58548  
of the House of Representatives, and the President and Minority 58549  
Leader of the Senate on any steps being taken by OPLIN and public 58550  
libraries in the state to limit and control such improper usage as 58551  
well as information on technological, legal, and law enforcement 58552  
trends nationally and internationally affecting this area of 58553  
public access and service. 58554

The Ohio Public Library Information Network, INFOhio, and 58555  
OhioLINK shall, to the extent feasible, coordinate and cooperate 58556  
in their purchase or other acquisition of the use of electronic 58557  
databases for their respective users and shall contribute funds in 58558  
an equitable manner to such effort. 58559

**Section 325.10. LCO LIQUOR CONTROL COMMISSION** 58560

Liquor Control Fund Group 58561  
043 970-321 Operating Expenses \$ 743,093 \$ 772,524 58562  
TOTAL LCF Liquor Control Fund Group \$ 743,093 \$ 772,524 58563  
TOTAL ALL BUDGET FUND GROUPS \$ 743,093 \$ 772,524 58564

**Section 327.10. LOT STATE LOTTERY COMMISSION** 58566

General Services Fund Group 58567  
231 950-604 Charitable Gaming \$ 2,253,000 \$ 2,378,000 58568  
Oversight  
TOTAL GSF General Services Fund \$ 2,253,000 \$ 2,378,000 58569  
Group  
State Lottery Fund Group 58570  
044 950-100 Personal Services \$ 25,945,116 \$ 27,085,265 58571  
044 950-200 Maintenance \$ 18,748,274 \$ 18,693,328 58572  
044 950-300 Equipment \$ 2,554,500 \$ 2,446,500 58573  
044 950-402 Advertising Contracts \$ 21,250,000 \$ 21,250,000 58574  
044 950-403 Gaming Contracts \$ 50,419,360 \$ 51,250,704 58575  
044 950-500 Problem Gambling \$ 335,000 \$ 335,000 58576

Subsidy					
044	950-601	Direct Prize Payments	\$ 147,716,286	\$ 147,716,286	58577
871	950-602	Annuity Prizes	\$ 151,724,305	\$ 151,724,305	58578
TOTAL SLF State Lottery Fund					58579
Group			\$ 418,692,841	\$ 420,501,388	58580
TOTAL ALL BUDGET FUND GROUPS					58581
OPERATING EXPENSES					58582
Notwithstanding sections 127.14 and 131.35 of the Revised					58583
Code, the Controlling Board may, at the request of the State					58584
Lottery Commission, authorize additional appropriations for					58585
operating expenses of the State Lottery Commission from the State					58586
Lottery Fund up to a maximum of 15 per cent of anticipated total					58587
revenue accruing from the sale of lottery tickets.					58588
DIRECT PRIZE PAYMENTS					58589
Any amounts, in addition to the amounts appropriated in					58590
appropriation item 950-601, Direct Prize Payments, that the					58591
Director of the State Lottery Commission determines to be					58592
necessary to fund prizes, bonuses, and commissions are hereby					58593
appropriated.					58594
ANNUITY PRIZES					58595
With the approval of the Office of Budget and Management, the					58596
State Lottery Commission shall transfer cash from the State					58597
Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund					58598
(Fund 871) in an amount sufficient to fund deferred prizes. The					58599
Treasurer of State, from time to time, shall credit the Deferred					58600
Prizes Trust Fund (Fund 871) the pro rata share of interest earned					58601
by the Treasurer of State on invested balances.					58602
Any amounts, in addition to the amounts appropriated in					58603
appropriation item 950-602, Annuity Prizes, that the Director of					58604
the State Lottery Commission determines to be necessary to fund					58605
deferred prizes and interest earnings are hereby appropriated.					58606

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND				58607
The Ohio Lottery Commission shall transfer an amount greater				58608
than or equal to \$657,900,000 in fiscal year 2008 and \$667,900,000				58609
in fiscal year 2009 to the Lottery Profits Education Fund.				58610
Transfers from the Commission to the Lottery Profits Education				58611
Fund shall represent the estimated net income from operations for				58612
the Commission in fiscal year 2008 and fiscal year 2009. Transfers				58613
by the Commission to the Lottery Profits Education Fund shall be				58614
administered as the statutes direct.				58615
<b>Section 329.10. MHC MANUFACTURED HOMES COMMISSION</b>				58616
General Services Fund Group				58617
4K9 996-609 Operating Expenses	\$	418,122	\$ 434,671	58618
TOTAL GSF General Services				58619
Fund Group	\$	418,122	\$ 434,671	58620
TOTAL ALL BUDGET FUND GROUPS	\$	418,122	\$ 434,671	58621
<b>Section 331.10. MED STATE MEDICAL BOARD</b>				58623
General Services Fund Group				58624
5C6 883-609 Operating Expenses	\$	7,883,145	\$ 8,225,945	58625
TOTAL GSF General Services				58626
Fund Group	\$	7,883,145	\$ 8,225,945	58627
TOTAL ALL BUDGET FUND GROUPS	\$	7,883,145	\$ 8,225,945	58628
<b>Section 333.10. AMB MEDICAL TRANSPORTATION BOARD</b>				58630
General Services Fund Group				58631
4K9 915-604 Operating Expenses	\$	471,450	\$ 473,450	58632
TOTAL GSF General Services				58633
Fund Group	\$	471,450	\$ 473,450	58634
TOTAL ALL BUDGET FUND GROUPS	\$	471,450	\$ 473,450	58635
CASH TRANSFER TO OCCUPATIONAL LICENSING AND REGULATORY FUND				58636
(FUND 4K9)				58637

Effective July 1, 2007, or as soon as practicable thereafter, 58638  
the Director of Budget and Management may transfer the cash 58639  
balance in the Ohio Medical Transportation Trust Fund (Fund 4N1), 58640  
created in division (B) of section 4766.05 of the Revised Code, to 58641  
the Occupational Licensing and Regulatory Fund (Fund 4K9), created 58642  
in section 4743.05 of the Revised Code. The director shall cancel 58643  
any existing encumbrances against appropriation item 915-601, 58644  
Operating Expenses, and re-establish them against appropriation 58645  
item 915-604, Operating Expenses. The amounts of the 58646  
re-established encumbrances are hereby appropriated. Upon 58647  
completion of these transfers, the Ohio Medical Transportation 58648  
Trust Fund (Fund 4N1) is hereby abolished. 58649

**Section 335.10.** DMH DEPARTMENT OF MENTAL HEALTH 58650

General Services Fund Group 58651

151 336-601 Office of Support \$ 134,060,000 \$ 148,998,000 58652

Services

TOTAL General Services Fund Group \$ 134,060,000 \$ 148,998,000 58653

Division of Mental Health-- 58654

Psychiatric Services to Correctional Facilities 58655

General Revenue Fund 58656

GRF 332-401 Forensic Services \$ 4,338,858 \$ 4,338,858 58657

TOTAL GRF General Revenue Fund \$ 4,338,858 \$ 4,338,858 58658

**Section 335.10.10.** FORENSIC SERVICES 58660

The foregoing appropriation item 332-401, Forensic Services, 58661  
shall be used to provide psychiatric services to courts of common 58662  
pleas. The appropriation shall be allocated through community 58663  
mental health boards to certified community agencies and shall be 58664  
distributed according to the criteria delineated in rule 58665  
5122:32-01 of the Administrative Code. These community forensic 58666  
funds may also be used to provide forensic training to community 58667

mental health boards and to forensic psychiatry residency programs 58668  
 in hospitals operated by the Department of Mental Health and to 58669  
 provide evaluations of patients of forensic status in facilities 58670  
 operated by the Department of Mental Health prior to conditional 58671  
 release to the community. 58672

In addition, appropriation item 332-401, Forensic Services, 58673  
 may be used to support projects involving mental health, substance 58674  
 abuse, courts, and law enforcement to identify and develop 58675  
 appropriate alternative services to incarceration for nonviolent 58676  
 mentally ill offenders, and to provide specialized re-entry 58677  
 services to offenders leaving prisons and jails. Funds may also be 58678  
 utilized to provide forensic monitoring and tracking in addition 58679  
 to community programs serving persons of forensic status on 58680  
 conditional release or probation. 58681

**Section 335.20. Division of Mental Health--** 58682

Administration and Statewide Programs 58683

General Revenue Fund 58684

GRF 333-321	Central Administration	\$	23,750,000	\$	23,750,000	58685
GRF 333-402	Resident Trainees	\$	1,364,919	\$	1,364,919	58686
GRF 333-403	Pre-Admission	\$	650,135	\$	650,135	58687

Screening Expenses

GRF 333-415	Lease-Rental Payments	\$	23,767,400	\$	20,504,500	58688
GRF 333-416	Research Program	\$	1,001,551	\$	1,001,551	58689

Evaluation

TOTAL GRF General Revenue Fund	\$	50,534,005	\$	47,271,105	58690
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General Services Fund Group 58691

149 333-609	Central Office	\$	1,200,000	\$	1,200,000	58692
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Operating

TOTAL General Services Fund Group	\$	1,200,000	\$	1,200,000	58693
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Federal Special Revenue Fund Group 58694

3A6	333-608	Community & Hospital Services	\$	140,000	\$	140,000	58695
3A7	333-612	Social Services Block Grant	\$	25,000	\$	25,000	58696
3A8	333-613	Federal Grant - Administration	\$	4,888,105	\$	4,888,105	58697
3A9	333-614	Mental Health Block Grant - Administration	\$	748,470	\$	748,470	58698
3B1	333-635	Community Medicaid Expansion	\$	13,691,682	\$	13,691,682	58699
324	333-605	Medicaid/Medicare	\$	154,500	\$	154,500	58700
TOTAL Federal Special Revenue							58701
Fund Group			\$	19,647,757	\$	19,647,757	58702
State Special Revenue Fund Group							58703
232	333-621	Family and Children First Administration	\$	625,000	\$	625,000	58704
4X5	333-607	Behavioral Health Medicaid Services	\$	3,000,634	\$	3,000,634	58705
485	333-632	Mental Health Operating	\$	134,233	\$	134,233	58706
5V2	333-611	Non-Federal Miscellaneous	\$	580,000	\$	560,000	58707
TOTAL State Special Revenue							58708
Fund Group			\$	4,339,867	\$	4,319,867	58709
TOTAL ALL BUDGET FUND GROUPS			\$	75,721,629	\$	72,438,729	58710

**Section 335.20.10. RESIDENCY TRAINEESHIP PROGRAMS** 58712

The foregoing appropriation item 333-402, Resident Trainees, 58713  
shall be used to fund training agreements entered into by the 58714  
Department of Mental Health for the development of curricula and 58715  
the provision of training programs to support public mental health 58716  
services. 58717

**Section 335.20.20. PRE-ADMISSION SCREENING EXPENSES** 58718

The foregoing appropriation item 333-403, Pre-Admission 58719  
Screening Expenses, shall be used to pay for costs to ensure that 58720  
uniform statewide methods for pre-admission screening are in place 58721  
to perform assessments for persons who have severe mental illness 58722  
and are referred for long-term Medicaid certified nursing facility 58723  
placement. Pre-admission screening includes the following 58724  
activities: pre-admission assessment, consideration of continued 58725  
stay requests, discharge planning and referral, and adjudication 58726  
of appeals and grievance procedures. 58727

**Section 335.20.30. LEASE-RENTAL PAYMENTS** 58728

The foregoing appropriation item 333-415, Lease-Rental 58729  
Payments, shall be used to meet all payments during the period 58730  
from July 1, 2007, to June 30, 2009, by the Department of Mental 58731  
Health under leases and agreements made under section 154.20 of 58732  
the Revised Code. These appropriations are the source of funds 58733  
pledged for bond service charges on obligations issued pursuant to 58734  
Chapter 154. of the Revised Code. 58735

**Section 335.20.40. BEHAVIORAL HEALTH MEDICAID SERVICES** 58736

The Department of Mental Health shall administer specified 58737  
Medicaid Services as delegated by the Department of Job and Family 58738  
Services in an interagency agreement. The foregoing appropriation 58739  
item 333-607, Behavioral Health Medicaid Services, may be used to 58740  
make payments for free-standing psychiatric hospital inpatient 58741  
services as defined in an interagency agreement with the 58742  
Department of Job and Family Services. 58743

**Section 335.20.50. PERFORMANCE REVIEW** 58744

The Auditor of State shall complete a performance review of 58745

the Department of Mental Health. Upon completing the performance 58746  
 review, the Auditor of State shall submit a report of the findings 58747  
 of the review to the Governor, the President of the Senate, the 58748  
 Speaker of the House of Representatives, and the Director of 58749  
 Mental Health. 58750

**Section 335.30. DIVISION OF MENTAL HEALTH - HOSPITALS** 58751

General Revenue Fund 58752

GRF 334-408 Community and Hospital \$ 400,324,545 \$ 400,324,545 58753

Mental Health Services

GRF 334-410 System Reform \$ 0 \$ 0 58754

GRF 334-506 Court Costs \$ 976,652 \$ 976,652 58755

TOTAL GRF General Revenue Fund \$ 401,301,197 \$ 401,301,197 58756

General Services Fund Group 58757

149 334-609 Hospital - Operating \$ 33,800,000 \$ 33,800,000 58758

Expenses

150 334-620 Special Education \$ 120,930 \$ 120,930 58759

TOTAL GSF General Services 58760

Fund Group \$ 33,920,930 \$ 33,920,930 58761

Federal Special Revenue Fund Group 58762

3A6 334-608 Subsidy for Federal \$ 586,224 \$ 586,224 58763

Grants

3A8 334-613 Federal Letter of \$ 200,000 \$ 200,000 58764

Credit

3B0 334-617 Adult Basic and \$ 182,334 \$ 182,334 58765

Literary Education

3B1 334-635 Hospital Medicaid \$ 2,000,000 \$ 2,000,000 58766

Expansion

324 334-605 Medicaid/Medicare \$ 34,500,000 \$ 50,500,000 58767

TOTAL FED Federal Special Revenue 58768

Fund Group \$ 37,468,558 \$ 53,468,558 58769

State Special Revenue Fund Group 58770



485	334-632	Mental Health	\$	3,100,000	\$	3,100,000	58771
		Operating					
692	334-636	Community Mental	\$	80,000	\$	80,000	58772
		Health Board Risk Fund					
TOTAL SSR State Special Revenue							58773
		Fund Group	\$	3,180,000	\$	3,180,000	58774
TOTAL ALL BUDGET FUND GROUPS							58775
<b>Section 335.30.20. COMMUNITY MENTAL HEALTH BOARD RISK FUND</b>							58777
The foregoing appropriation item 334-636, Community Mental							58778
Health Board Risk Fund, shall be used to make payments under							58779
section 5119.62 of the Revised Code.							58780
<b>Section 335.40. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT</b>							58781
SERVICES							58782
General Revenue Fund							58783
GRF	335-404	Behavioral Health	\$	8,076,153	\$	8,711,153	58784
		Services-Children					
GRF	335-405	Family & Children	\$	2,260,000	\$	2,260,000	58785
		First					
GRF	335-419	Community Medication	\$	7,959,798	\$	7,959,798	58786
		Subsidy					
GRF	335-505	Local Mental Health	\$	101,937,868	\$	101,937,868	58787
		Systems of Care					
TOTAL GRF General Revenue Fund							58788
General Services Fund Group							58789
4P9	335-604	Community Mental	\$	250,000	\$	250,000	58790
		Health Projects					
TOTAL GSF General Services							58791
		Fund Group	\$	250,000	\$	250,000	58792
Federal Special Revenue Fund Group							58793
3A6	335-608	Federal Miscellaneous	\$	2,178,699	\$	2,178,699	58794



services for children and their families. Behavioral health 58820  
services include mental health and alcohol and other drug 58821  
treatment services and other necessary supports. 58822

Of the foregoing appropriation item 335-404, Behavioral 58823  
Health Services-Children, an amount up to \$4.5 million in fiscal 58824  
year 2008 and \$5.5 million in fiscal year 2009 shall be 58825  
distributed to local Alcohol, Drug Addiction, and Mental Health 58826  
Boards; Community Mental Health Boards; and Alcohol and Drug 58827  
Addiction Boards, based upon a distribution formula and guidance 58828  
defined by a team of state and local stakeholders appointed by the 58829  
Ohio Family and Children First Cabinet Council. This team shall 58830  
include, but not be limited to, all of the following: 58831

(A) At least one representative from each of the Departments 58832  
of Alcohol and Drug Addiction Services, Mental Health, Education, 58833  
Health, Job and Family Services, Mental Retardation and 58834  
Developmental Disabilities, and the Department of Youth Services; 58835

(B) At least one person representing local public children's 58836  
services agencies; 58837

(C) At least one person representing juvenile courts; 58838

(D) At least one person representing local Alcohol, Drug 58839  
Addiction, and Mental Health Boards; Community Mental Health 58840  
Boards; and Alcohol and Drug Addiction Boards; 58841

(E) At least one person representing local Family and 58842  
Children First Council Coordinators; 58843

(F) At least one family representative. 58844

Funds may be used to support the following services and 58845  
activities as determined by local Alcohol, Drug Addiction, and 58846  
Mental Health Boards; Community Mental Health Boards; and Alcohol 58847  
and Drug Addiction Boards and local family and children first 58848  
councils and aligned with county service coordination mechanism as 58849

described in division (C) of section 121.37 of the Revised Code:	58850
(A) Mental health services provided by the Ohio Department of Mental Health certified agencies and alcohol and other drug services provided by Department of Alcohol and Drug Addiction Services certified agencies;	58851 58852 58853 58854
(B) Services and supports for children and their families that further the implementation of their individual service plans;	58855 58856
(C) Treatment services in out-of-home settings, including residential facilities, when other alternatives are not available or feasible;	58857 58858 58859
(D) Administrative support for efforts associated with this initiative;	58860 58861
(E) These funds shall not be used to supplant existing efforts.	58862 58863
Of the foregoing appropriation item 335-404, Behavioral Health Services-Children, an amount up to \$1.0 million in fiscal year 2008 and \$1.0 million in fiscal year 2009 shall be used to support projects, as determined by the Ohio Family and Children First Cabinet Council, in select areas around the state to focus on improving behavioral health juvenile justice services.	58864 58865 58866 58867 58868 58869
Of the foregoing appropriation item 335-405, Family & Children First, an amount up to \$500,000 in fiscal year 2008 and \$500,000 in fiscal year 2009 shall be used for children for whom the primary focus of treatment is not a mental health or alcohol or drug addiction disorder and require services or supports to assist those needs through the County Family and Children First Council.	58870 58871 58872 58873 58874 58875 58876
<b>Section 335.40.20. COMMUNITY MEDICATION SUBSIDY</b>	58877
The foregoing appropriation item 335-419, Community Medication Subsidy, shall be used to provide subsidized support	58878 58879

for psychotropic medication needs of indigent citizens in the 58880  
community to reduce unnecessary hospitalization because of lack of 58881  
medication and to provide subsidized support for methadone costs. 58882

**Section 335.40.30. LOCAL MENTAL HEALTH SYSTEMS OF CARE** 58883

The foregoing appropriation item 335-505, Local Mental Health 58884  
Systems of Care, shall be used for mental health services provided 58885  
by community mental health boards in accordance with a community 58886  
mental health plan submitted under section 340.03 of the Revised 58887  
Code and as approved by the Department of Mental Health. 58888

Of the foregoing appropriation item 334-505, Local Mental 58889  
Health Systems of Care, not less than \$37,058,917 in fiscal year 58890  
2008 and not less than \$37,058,917 in fiscal year 2009 shall be 58891  
distributed by the Department of Mental Health on a per capita 58892  
basis to community mental health boards. 58893

Of the foregoing appropriation item 335-505, Local Mental 58894  
Health Systems of Care, \$10,000 in each fiscal year shall be 58895  
allocated to The Gathering Place in Athens. 58896

**Section 337.10. DMR DEPARTMENT OF MENTAL RETARDATION AND** 58897  
**DEVELOPMENTAL DISABILITIES** 58898

**Section 337.20. GENERAL ADMINISTRATION AND STATEWIDE SERVICES** 58899

General Revenue Fund 58900

GRF 320-321 Central Administration \$ 9,638,610 \$ 9,638,610 58901

GRF 320-412 Protective Services \$ 2,792,322 \$ 2,792,322 58902

GRF 320-415 Lease-Rental Payments \$ 23,767,400 \$ 20,504,500 58903

TOTAL GRF General Revenue Fund \$ 36,198,332 \$ 32,935,432 58904

General Services Fund Group 58905

4B5 320-640 Training and Service \$ 100,000 \$ 100,000 58906

Development			
TOTAL GSF General Services			58908
Fund Group	\$	100,000	\$ 100,000 58909
Federal Special Revenue Fund Group			58910
3A5 320-613 DD Council	\$	2,705,004	\$ 2,743,630 58911
TOTAL FED Federal Special Revenue			58912
Fund Group	\$	2,705,004	\$ 2,743,630 58913
State Special Revenue Fund Group			58914
5S2 590-622 Medicaid	\$	11,003,855	\$ 11,472,335 58915
Administration & Oversight			
TOTAL SSR State Special Revenue			58916
Fund Group	\$	11,003,855	\$ 11,472,335 58917
TOTAL ALL GENERAL ADMINISTRATION AND STATEWIDE SERVICES			58918 58919
BUDGET FUND GROUPS	\$	50,007,191	\$ 47,251,397 58920
 <b>Section 337.20.10. LEASE-RENTAL PAYMENTS</b>			
The foregoing appropriation item 320-415, Lease-Rental			58921
Payments, shall be used to meet all payments at the time they are			58922
required to be made during the period from July 1, 2007, to June			58923
30, 2009, by the Department of Mental Retardation and			58924
Developmental Disabilities under leases and agreements made under			58925
section 154.20 of the Revised Code. These appropriations are the			58926
source of funds pledged for bond service charges or obligations			58927
issued pursuant to Chapter 154. of the Revised Code.			58928 58929
 <b>Section 337.30. COMMUNITY SERVICES</b>			
General Revenue Fund			58930
GRF 322-413 Residential and	\$	6,753,881	\$ 6,753,881 58931
Support Services			
GRF 322-416 Medicaid Waiver -	\$	113,692,413	\$ 113,692,413 58932

		State Match				
GRF	322-501	County Boards	\$	90,067,913	\$	90,067,913 58934
		Subsidies				
GRF	322-503	Tax Equity	\$	14,000,000	\$	14,000,000 58935
GRF	322-504	Martin Settlement	\$	6,159,766	\$	29,036,451 58936
TOTAL GRF		General Revenue Fund	\$	230,673,973	\$	253,550,658 58937
		General Services Fund Group				58938
488	322-603	Provider Audit Refunds	\$	10,000	\$	10,000 58939
5MO	322-628	Martin Settlement	\$	150,000	\$	0 58940
TOTAL GSF		General Services				58941
Fund Group			\$	160,000	\$	10,000 58942
		Federal Special Revenue Fund Group				58943
3G6	322-639	Medicaid Waiver -	\$	456,311,171	\$	506,618,829 58944
		Federal				
3M7	322-650	CAFS Medicaid	\$	4,278,713	\$	0 58945
325	322-612	Community Social	\$	11,186,114	\$	11,164,639 58946
		Service Programs				
TOTAL FED		Federal Special Revenue				58947
Fund Group			\$	471,775,998	\$	517,783,468 58948
		State Special Revenue Fund Group				58949
4K8	322-604	Medicaid Waiver -	\$	12,000,000	\$	12,000,000 58950
		State Match				
5DJ	322-625	Targeted Case	\$	11,082,857	\$	11,470,757 58951
		Management Match				
5DJ	322-626	Targeted Case	\$	27,548,737	\$	28,512,943 58952
		Management Services				
5EV	322-627	Program Fees	\$	20,000	\$	20,000 58953
5H0	322-619	Medicaid Repayment	\$	10,000	\$	10,000 58954
5Z1	322-624	County Board Waiver	\$	116,000,000	\$	126,000,000 58955
		Match				
TOTAL SSR		State Special Revenue				58956
Fund Group			\$	166,661,594	\$	178,013,700 58957

TOTAL ALL COMMUNITY SERVICES 58958  
BUDGET FUND GROUPS \$ 869,271,565 \$ 949,357,826 58959

**Section 337.30.10. RESIDENTIAL AND SUPPORT SERVICES** 58961

The Department of Mental Retardation and Developmental 58962  
Disabilities may designate a portion of appropriation item 58963  
322-413, Residential and Support Services, for Sermak Class 58964  
Services used to implement the requirements of the agreement 58965  
settling the condecree in *Sermak v. Manuel*, Case No. c-2-80-220, 58966  
United States District Court for the Southern District of Ohio, 58967  
Eastern Division. 58968

**Section 337.30.20. OTHER RESIDENTIAL AND SUPPORT SERVICE** 58969  
PROGRAMS 58970

Notwithstanding Chapters 5123. and 5126. of the Revised Code, 58971  
the Department of Mental Retardation and Developmental 58972  
Disabilities may develop residential and support service programs 58973  
funded by appropriation item 322-413, Residential and Support 58974  
Services; and appropriation item 322-416, Medicaid Waiver - State 58975  
Match, and the appropriation for supported living in appropriation 58976  
item 322-501, County Board Subsidy, that enable persons with 58977  
mental retardation and developmental disabilities to live in the 58978  
community. Notwithstanding Chapter 5121. and section 5123.122 of 58979  
the Revised Code, the Department may waive the support collection 58980  
requirements of those statutes for persons in community programs 58981  
developed by the Department under this section. The Department 58982  
shall adopt rules under Chapter 119. of the Revised Code or may 58983  
use existing rules for the implementation of these programs. 58984

**Section 337.30.30. MEDICAID WAIVER - STATE MATCH (GRF)** 58985

The purposes for which the foregoing appropriation item 58986  
322-416, Medicaid Waiver - State Match, shall be used include the 58987  
following: 58988



(A) Home and community-based waiver services under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

(B) Services contracted by county boards of mental retardation and developmental disabilities.

(C) To pay the nonfederal share of the cost of one or more new intermediate care facility for the mentally retarded certified beds in a county where the county board of mental retardation and developmental disabilities does not initiate or support the development or certification of such beds, if the Director of Mental Retardation and Developmental Disabilities is required by this act to transfer to the Director of Job and Family Services funds to pay such nonfederal share.

The Department of Mental Retardation and Developmental Disabilities may designate a portion of appropriation item 322-416, Medicaid Waiver - State Match, to county boards of mental retardation and developmental disabilities that have greater need for various residential and support services because of a low percentage of residential and support services development in comparison to the number of individuals with mental retardation or developmental disabilities in the county.

**Section 337.30.40. STATE SUBSIDY TO COUNTY MR/DD BOARDS**

The Department of Mental Retardation and Developmental Disabilities shall use the foregoing appropriation item 322-501, County Boards Subsidy, to pay each county board of mental retardation and developmental disabilities in each fiscal year of the biennium an amount that is equal to the amount such board received in fiscal year 2007 from former appropriation items 322-417, Supported Living; 322-451, Family Support Services; 322-452, Service and Support Administration; and 322-501, County Boards Subsidies.

County boards shall use the subsidy for early childhood 59020  
services and adult services provided under section 5126.05 of the 59021  
Revised Code, family support services provided under section 59022  
5126.11 of the Revised Code, service and support administration 59023  
provided under section 5126.15 of the Revised Code, and supported 59024  
living services provided under sections 5126.40 to 5126.47 of the 59025  
Revised Code. 59026

In the event that the appropriation in appropriation item 59027  
322-501, County Board Subsidy, for fiscal year 2008 or fiscal year 59028  
2009 is greater than the subsidy paid by the Department for fiscal 59029  
year 2007, the Department and county boards shall develop a 59030  
formula for allocating the additional appropriation to each county 59031  
board to support priorities determined by the Department and 59032  
county boards. 59033

The Department shall distribute this subsidy to county boards 59034  
in quarterly installments of equal amounts. The installments shall 59035  
be made not later than the thirtieth day of September, the 59036  
thirty-first day of December, the thirty-first day of March, and 59037  
thirtieth day of June. 59038

The Department also may use the foregoing appropriation item 59039  
322-501, County Boards Subsidy, to pay the nonfederal share of the 59040  
cost of one or more new intermediate care facility for the 59041  
mentally retarded certified beds in a county where the county 59042  
board of mental retardation and developmental disabilities 59043  
initiates or supports the development or certification of such 59044  
beds, if the Director of Mental Retardation and Developmental 59045  
Disabilities is required by this act to transfer to the Director 59046  
of Job and Family Services funds to pay such nonfederal share. 59047

**Section 337.30.45. MARTIN CONSENT ORDER COMPLIANCE** 59048

To comply with the Martin Consent Order, on July 1, 2007, or 59049  
as soon as possible thereafter, the Director of Budget and 59050

Management shall transfer \$150,000 in cash from the General 59051  
Revenue Fund to the Program Income Fund (FUND 5MO). 59052

**Section 337.30.50. MEDICAID WAIVER - STATE MATCH (FUND 4K8)** 59053

The foregoing appropriation item 322-604, Medicaid Waiver - 59054  
State Match (Fund 4K8), shall be used as state matching funds for 59055  
the home and community-based waivers. 59056

**Section 337.30.60. TARGETED CASE MANAGEMENT SERVICES** 59057

County boards of mental retardation and developmental 59058  
disabilities shall pay the nonfederal portion of targeted case 59059  
management costs to the Department of Mental Retardation and 59060  
Developmental Disabilities. The Director of Mental Retardation and 59061  
Developmental Disabilities shall withhold any amount owed to the 59062  
Department from subsequent disbursements from any appropriation 59063  
item or money otherwise due to a nonpaying county. 59064

The Departments of Mental Retardation and Developmental 59065  
Disabilities and Job and Family Services may enter into an 59066  
interagency agreement under which the Department of Mental 59067  
Retardation and Developmental Disabilities shall pay the 59068  
Department of Job and Family Services the nonfederal portion of 59069  
the cost of targeted case management services paid by county 59070  
boards and the Department of Job and Family Services shall pay the 59071  
total cost of targeted case management claims. 59072

**Section 337.30.70. TRANSFER TO PROGRAM FEE FUND** 59073

On July 1, 2007, or as soon as possible thereafter, the 59074  
Director of Mental Retardation and Developmental Disabilities 59075  
shall certify to the Director of Budget and Management the amount 59076  
of cash that has been deposited into Fund 4B5, 59077  
Conference/Training, pursuant to sections 5123.19 and 5126.25 of 59078  
the Revised Code, less the amount that has been expended from Fund 59079

4B5 to operate the Certification and Registration Program 59080  
 established under section 5126.25 of the Revised Code and to 59081  
 license and inspect residential facilities as outlined in section 59082  
 5123.19 of the Revised Code. The certified amount shall not 59083  
 include amounts deposited into Fund 4B5 for training and 59084  
 conferences conducted by the Department of Mental Retardation and 59085  
 Developmental Disabilities. Upon receipt of the certification, the 59086  
 Director of Budget and Management shall transfer cash equal to the 59087  
 amount certified and all associated liabilities and obligations to 59088  
 Fund 5EV, Program Fee Fund, in the Department of Mental 59089  
 Retardation and Developmental Disabilities. 59090

**Section 337.30.80. DEVELOPMENTAL CENTER BILLING FOR SERVICES** 59091

Developmental centers of the Department of Mental Retardation 59092  
 and Developmental Disabilities may provide services to persons 59093  
 with mental retardation or developmental disabilities living in 59094  
 the community or to providers of services to these persons. The 59095  
 Department may develop a method for recovery of all costs 59096  
 associated with the provisions of these services. 59097

**Section 337.40. RESIDENTIAL FACILITIES** 59098

General Revenue Fund 59099  
 GRF 323-321 Developmental Center \$ 102,796,851 \$ 102,796,851 59100  
     and Residential  
     Facilities Operation  
     Expenses  
 TOTAL GRF General Revenue Fund \$ 102,796,851 \$ 102,796,851 59101  
 General Services Fund Group 59102  
 152 323-609 Developmental Center \$ 912,177 \$ 912,177 59103  
     and Residential  
     Operating Services  
 TOTAL GSF General Services 59104

Fund Group	\$	912,177	\$	912,177	59105
Federal Special Revenue Fund Group					59106
3A4 323-605 Developmental Center	\$	136,299,536	\$	137,555,308	59107
and Residential					
Facility Services and					
Support					
TOTAL FED Federal Special Revenue					59108
Fund Group	\$	136,299,536	\$	137,555,308	59109
State Special Revenue Fund Group					59110
221 322-620 Supplement Service	\$	150,000	\$	150,000	59111
Trust					
489 323-632 Developmental Center	\$	14,543,764	\$	14,671,616	59112
Direct Care Support					
TOTAL SSR State Special Revenue					59113
Fund Group	\$	14,693,764	\$	14,821,616	59114
TOTAL ALL RESIDENTIAL FACILITIES					59115
BUDGET FUND GROUPS	\$	254,702,328	\$	256,085,952	59116
DEPARTMENT TOTAL					59117
GENERAL REVENUE FUND	\$	369,669,156	\$	389,282,941	59118
DEPARTMENT TOTAL					59119
GENERAL SERVICES FUND GROUP	\$	1,172,177	\$	1,022,177	59120
DEPARTMENT TOTAL					59121
FEDERAL SPECIAL REVENUE FUND GROUP	\$	610,780,538	\$	658,082,406	59122
DEPARTMENT TOTAL					59123
STATE SPECIAL REVENUE FUND GROUP	\$	192,359,213	\$	204,307,651	59124
TOTAL DEPARTMENT OF MENTAL					59125
RETARDATION AND DEVELOPMENTAL					59126
DISABILITIES	\$	1,173,981,084	\$	1,252,695,175	59127
<b>Section 337.40.10. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER</b>					59129
PHARMACY PROGRAMS					59130
The Department of Mental Retardation and Developmental					59131

Disabilities shall pay the Department of Job and Family Services 59132  
quarterly, through intrastate transfer voucher, the nonfederal 59133  
share of Medicaid prescription drug claim costs for all 59134  
developmental centers paid by the Department of Job and Family 59135  
Services. 59136

**Section 337.40.20. NONFEDERAL MATCH FOR ACTIVE TREATMENT 59137**  
SERVICES 59138

Any county funds received by the Department from county 59139  
boards for active treatment shall be deposited in Fund 489, Mental 59140  
Retardation Operating. 59141

**Section 337.40.30. NONFEDERAL SHARE OF NEW ICF/MR BEDS 59142**

(A) As used in this section: 59143

(1) "Family support services," "home and community-based 59144  
services," "service and support administration," and "supported 59145  
living" have the same meaning as in section 5126.01 of the Revised 59146  
Code. 59147

(2) "Intermediate care facility for the mentally retarded" 59148  
has the same meaning as in section 5111.20 of the Revised Code. 59149

(B) If one or more new beds obtain certification as an 59150  
intermediate care facility for the mentally retarded bed on or 59151  
after July 1, 2007, the Director of Mental Retardation and 59152  
Developmental Disabilities shall transfer funds to the Department 59153  
of Job and Family Services to pay the nonfederal share of the cost 59154  
under the Medicaid Program for those beds. The Director shall use 59155  
only the following funds for the transfer: 59156

(1) If the beds are located in a county served by a county 59157  
board of mental retardation and developmental disabilities that 59158  
does not initiate or support the beds' certification, funds 59159  
appropriated to the Department of Mental Retardation and 59160

Developmental Disabilities for home and community-based services 59161  
 and supported living for which the Director is authorized to make 59162  
 allocations to county boards; 59163

(2) If the beds are located in a county served by a county 59164  
 board that initiates or supports the beds' certification, funds 59165  
 appropriated to the Department for family support services, 59166  
 service and support administration, and other services for which 59167  
 the Director is authorized to make allocations to counties. 59168

(C) The funds that the Director transfers under division 59169  
 (B)(2) of this section shall be funds that the Director has 59170  
 allocated to the county board serving the county in which the beds 59171  
 are located unless the amount of the allocation is insufficient to 59172  
 pay the entire nonfederal share of the cost under the Medicaid 59173  
 Program for those beds. If the allocation is insufficient, the 59174  
 Director shall use as much of such funds allocated to other 59175  
 counties as is needed to make up the difference. 59176

**Section 339.10. MIH COMMISSION ON MINORITY HEALTH** 59177

General Revenue Fund 59178

GRF 149-321 Operating Expenses	\$	550,211	\$	561,216	59179
GRF 149-501 Minority Health Grants	\$	670,965	\$	1,670,965	59180
GRF 149-502 Lupus Program	\$	136,126	\$	136,126	59181
TOTAL GRF General Revenue Fund	\$	1,357,302	\$	2,368,307	59182

Federal Special Revenue Fund Group 59183

3J9 149-602 Federal Grants	\$	457,486	\$	320,297	59184
TOTAL FED Federal Special Revenue					59185
Fund Group	\$	457,486	\$	320,297	59186

State Special Revenue Fund Group 59187

4C2 149-601 Minority Health	\$	150,000	\$	150,000	59188
Conference					

TOTAL SSR State Special Revenue 59189

Fund Group	\$	150,000	\$	150,000	59190
TOTAL ALL BUDGET FUND GROUPS	\$	1,964,788	\$	2,838,604	59191

**Section 341.10.** CRB MOTOR VEHICLE COLLISION REPAIR 59193  
REGISTRATION BOARD 59194

General Service Fund Group					59195
4K9 865-601 Operating Expenses	\$	334,995	\$	334,995	59196
TOTAL GSF General Services					59197
Fund Group	\$	334,995	\$	334,995	59198
TOTAL ALL BUDGET FUND GROUPS	\$	334,995	\$	334,995	59199

CASH TRANSFER TO OCCUPATIONAL LICENSING AND REGULATORY FUND 59200  
(FUND 4K9) 59201

Effective July 1, 2007, or as soon as possible thereafter, 59202  
the Director of Budget and Management may transfer the cash 59203  
balance in the Motor Vehicle Collision Repair Registration Fund 59204  
(Fund 5H9), created in division (A) of section 4775.08 of the 59205  
Revised Code, to the Occupational Licensing and Regulatory Fund 59206  
(Fund 4K9), created in section 4743.05 of the Revised Code. The 59207  
Director may cancel any existing encumbrances against 59208  
appropriation item 865-609, Operating Expenses - CRB, in Fund 5H9, 59209  
and re-establish them against appropriation item 865-601, 59210  
Operating Expenses, in Fund 4K9. The amounts of the re-established 59211  
encumbrances are hereby appropriated. The Motor Vehicle Collision 59212  
Repair Registration Fund (Fund 5H9), created in division (A) of 59213  
section 4775.08 of the Revised Code, is hereby abolished. 59214

**Section 343.10.** DNR DEPARTMENT OF NATURAL RESOURCES 59215

General Revenue Fund					59216
GRF 725-401 Wildlife-GRF Central	\$	2,705,950	\$	2,800,930	59217
Support					
GRF 725-404 Fountain Square Rental	\$	1,094,900	\$	1,081,200	59218
Payments - OBA					



GRF 725-407	Conservation Reserve Enhancement Program	\$ 1,000,000	\$ 1,000,000	59219
GRF 725-413	Lease Rental Payments	\$ 19,589,400	\$ 18,316,200	59220
GRF 725-423	Stream and Ground Water Gauging	\$ 311,910	\$ 311,910	59221
GRF 725-425	Wildlife License Reimbursement	\$ 500,000	\$ 400,000	59222
GRF 725-456	Canal Lands	\$ 332,859	\$ 332,859	59223
GRF 725-502	Soil and Water Districts	\$ 12,222,420	\$ 12,880,791	59224
GRF 725-903	Natural Resources General Obligation Debt Service	\$ 24,713,800	\$ 25,723,000	59225
GRF 727-321	Division of Forestry	\$ 8,541,511	\$ 8,541,511	59226
GRF 728-321	Division of Geological Survey	\$ 1,799,222	\$ 1,825,150	59227
GRF 729-321	Office of Information Technology	\$ 440,895	\$ 440,895	59228
GRF 730-321	Division of Parks and Recreation	\$ 39,874,841	\$ 39,874,841	59229
GRF 733-321	Division of Water	\$ 3,207,619	\$ 3,257,619	59230
GRF 736-321	Division of Engineering	\$ 3,118,703	\$ 3,118,703	59231
GRF 737-321	Division of Soil and Water	\$ 4,074,788	\$ 4,074,788	59232
GRF 738-321	Division of Real Estate and Land Management	\$ 2,291,874	\$ 2,291,874	59233
GRF 741-321	Division of Natural Areas and Preserves	\$ 3,050,000	\$ 3,050,000	59234
GRF 744-321	Division of Mineral Resources Management	\$ 3,068,167	\$ 3,068,167	59235
TOTAL GRF	General Revenue Fund	\$ 131,938,859	\$ 132,390,438	59236

General Services Fund Group				59237
155 725-601 Departmental Projects	\$	2,259,402	\$ 2,260,021	59238
157 725-651 Central Support	\$	6,228,950	\$ 6,528,675	59239
Indirect				
204 725-687 Information Services	\$	4,676,627	\$ 4,676,627	59240
207 725-690 Real Estate Services	\$	64,000	\$ 64,000	59241
223 725-665 Law Enforcement	\$	2,230,485	\$ 2,358,307	59242
Administration				
227 725-406 Parks Projects	\$	110,000	\$ 110,000	59243
Personnel				
4D5 725-618 Recycled Materials	\$	50,000	\$ 50,000	59244
4S9 725-622 NatureWorks Personnel	\$	525,000	\$ 525,000	59245
4X8 725-662 Water Resources	\$	125,000	\$ 125,000	59246
Council				
430 725-671 Canal Lands	\$	1,150,082	\$ 1,150,082	59247
508 725-684 Natural Resources	\$	148,527	\$ 148,280	59248
Publications				
510 725-631 Maintenance -	\$	353,611	\$ 303,611	59249
State-owned Residences				
516 725-620 Water Management	\$	2,913,618	\$ 2,931,513	59250
635 725-664 Fountain Square	\$	3,609,835	\$ 3,640,398	59251
Facilities Management				
697 725-670 Submerged Lands	\$	751,342	\$ 772,011	59252
TOTAL GSF General Services				59253
Fund Group	\$	25,196,479	\$ 25,643,525	59254
Federal Special Revenue Fund Group				59255
3B3 725-640 Federal Forest	\$	225,000	\$ 225,000	59256
Pass-Thru				
3B4 725-641 Federal Flood	\$	490,000	\$ 490,000	59257
Pass-Thru				
3B5 725-645 Federal Abandoned Mine	\$	14,307,664	\$ 14,307,667	59258
Lands				

3B6	725-653	Federal Land and Water Conservation Grants	\$	2,000,000	\$	2,000,000	59259
3B7	725-654	Reclamation - Regulatory	\$	2,107,291	\$	2,107,292	59260
3P0	725-630	Natural Areas and Preserves - Federal	\$	215,000	\$	215,000	59261
3P1	725-632	Geological Survey - Federal	\$	655,000	\$	720,000	59262
3P2	725-642	Oil and Gas-Federal	\$	226,961	\$	234,509	59263
3P3	725-650	Coastal Management - Federal	\$	2,643,323	\$	1,691,237	59264
3P4	725-660	Water - Federal	\$	316,304	\$	316,734	59265
3R5	725-673	Acid Mine Drainage Abatement/Treatment	\$	1,999,998	\$	2,025,001	59266
3Z5	725-657	REALM-Federal	\$	1,850,000	\$	1,850,000	59267
332	725-669	Federal Mine Safety Grant	\$	258,102	\$	258,102	59268
TOTAL FED Federal Special Revenue							59269
Fund Group			\$	27,294,643	\$	26,440,542	59270
State Special Revenue Fund Group							59271
4J2	725-628	Injection Well Review	\$	67,578	\$	68,933	59272
4M7	725-631	Wildfire Suppression	\$	70,000	\$	0	59273
4M7	725-686	Wildfire Suppression	\$	100,000	\$	100,000	59274
4U6	725-668	Scenic Rivers Protection	\$	407,100	\$	407,100	59275
5BV	725-683	Soil and Water Districts	\$	4,300,984	\$	4,959,355	59276
5B3	725-674	Mining Regulation	\$	28,850	\$	28,850	59277
5K1	725-626	Urban Forestry Grant	\$	10,000	\$	12,000	59278
5P2	725-634	Wildlife Boater Angler Administration	\$	3,500,000	\$	3,500,000	59279
509	725-602	State Forest	\$	5,070,946	\$	5,211,924	59280
511	725-646	Ohio Geological	\$	815,179	\$	724,310	59281

		Mapping					
512	725-605	State Parks Operations	\$	27,314,288	\$	27,314,288	59282
512	725-680	Parks Facilities	\$	2,576,240	\$	2,576,240	59283
		Maintenance					
514	725-606	Lake Erie Shoreline	\$	917,113	\$	757,113	59284
518	725-643	Oil and Gas Permit	\$	2,574,378	\$	2,586,568	59285
		Fees					
518	725-677	Oil and Gas Well	\$	800,000	\$	800,000	59286
		Plugging					
521	725-627	Off-Road Vehicle	\$	198,490	\$	143,490	59287
		Trails					
522	725-656	Natural Areas and Preserves	\$	1,550,670	\$	1,550,670	59288
526	725-610	Strip Mining	\$	1,932,491	\$	1,903,871	59289
		Administration Fee					
527	725-637	Surface Mining	\$	1,852,842	\$	1,946,591	59290
		Administration					
529	725-639	Unreclaimed Land Fund	\$	2,892,516	\$	2,024,257	59291
531	725-648	Reclamation Forfeiture	\$	2,062,234	\$	2,062,237	59292
532	725-644	Litter Control and Recycling	\$	6,280,681	\$	6,280,681	59293
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	59294
615	725-661	Dam Safety	\$	548,223	\$	595,416	59295
		TOTAL SSR State Special Revenue					59296
		Fund Group	\$	66,870,803	\$	66,553,894	59297
		Clean Ohio Fund Group					59298
061	725-405	Clean Ohio Operating	\$	155,000	\$	155,000	59299
		TOTAL CLF Clean Ohio Fund Group	\$	155,000	\$	155,000	59300
		Wildlife Fund Group					59301
015	740-401	Division of Wildlife	\$	53,706,000	\$	54,906,000	59302
		Conservation					
815	725-636	Cooperative Management	\$	120,449	\$	120,449	59303

		Projects				
816	725-649	Wetlands Habitat	\$	966,885	\$	966,885 59304
817	725-655	Wildlife Conservation	\$	5,000,000	\$	5,000,000 59305
		Checkoff Fund				
818	725-629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000 59306
		Research				
819	725-685	Ohio River Management	\$	128,584	\$	128,584 59307
		TOTAL WLF Wildlife Fund Group	\$	61,421,918	\$	62,621,918 59308
		Waterways Safety Fund Group				59309
086	725-414	Waterways Improvement	\$	3,925,075	\$	4,062,452 59310
086	725-418	Buoy Placement	\$	52,182	\$	52,182 59311
086	725-501	Waterway Safety Grants	\$	137,867	\$	137,867 59312
086	725-506	Watercraft Marine	\$	576,153	\$	576,153 59313
		Patrol				
086	725-513	Watercraft Educational	\$	366,643	\$	366,643 59314
		Grants				
086	739-401	Division of Watercraft	\$	19,626,681	\$	20,166,681 59315
5AW	725-682	Watercraft Revolving	\$	1,000,000	\$	1,000,000 59316
		Loans				
		TOTAL WSF Waterways Safety Fund				59317
		Group	\$	25,684,601	\$	26,361,978 59318
		Holding Account Redistribution Fund Group				59319
R17	725-659	Performance Cash Bond	\$	279,263	\$	279,263 59320
		Refunds				
R43	725-624	Forestry	\$	1,950,188	\$	2,007,977 59321
		TOTAL 090 Holding Account				59322
		Redistribution Fund Group	\$	2,229,451	\$	2,287,240 59323
		Accrued Leave Liability Fund Group				59324
4M8	725-675	FOP Contract	\$	20,844	\$	20,844 59325
		TOTAL ALF Accrued Leave				59326
		Liability Fund Group	\$	20,844	\$	20,844 59327
		TOTAL ALL BUDGET FUND GROUPS	\$	340,812,598	\$	342,475,379 59328

**Section 343.20.** CENTRAL SUPPORT INDIRECT 59330

With the exception of the Division of Wildlife, whose direct 59331  
and indirect central support charges shall be paid out of the 59332  
General Revenue Fund from the foregoing appropriation item 59333  
725-401, Wildlife-GRF Central Support, the Department of Natural 59334  
Resources, with approval of the Director of Budget and Management, 59335  
shall utilize a methodology for determining each division's 59336  
payments into the Central Support Indirect Fund (Fund 157). The 59337  
methodology used shall contain the characteristics of 59338  
administrative ease and uniform application in compliance with 59339  
federal grant requirements. It may include direct cost charges for 59340  
specific services provided. Payments to the Central Support 59341  
Indirect Fund (Fund 157) shall be made using an intrastate 59342  
transfer voucher. 59343

**Section 343.30.** FOUNTAIN SQUARE 59344

The foregoing appropriation item 725-404, Fountain Square 59345  
Rental Payments - OBA, shall be used by the Department of Natural 59346  
Resources to meet all payments required to be made to the Ohio 59347  
Building Authority during the period from July 1, 2007, to June 59348  
30, 2009, pursuant to leases and agreements with the Ohio Building 59349  
Authority under section 152.42 of the Revised Code. These 59350  
appropriations are the source of funds pledged for bond service 59351  
charges on obligations issued pursuant to Chapter 152. of the 59352  
Revised Code. 59353

The Director of Natural Resources, using intrastate transfer 59354  
vouchers, shall make payments to the General Revenue Fund from 59355  
funds other than the General Revenue Fund to reimburse the General 59356  
Revenue Fund for the other funds' shares of the lease rental 59357  
payments to the Ohio Building Authority. The transfers from the 59358  
non-General Revenue funds shall be made within 10 days of the 59359

payment to the Ohio Building Authority for the actual amounts 59360  
necessary to fulfill the leases and agreements pursuant to section 59361  
152.241 of the Revised Code. 59362

The foregoing appropriation item 725-664, Fountain Square 59363  
Facilities Management (Fund 635), shall be used for payment of 59364  
repairs, renovation, utilities, property management, and building 59365  
maintenance expenses for the Fountain Square Complex. Cash 59366  
transferred by intrastate transfer vouchers from various 59367  
department funds and rental income received by the Department of 59368  
Natural Resources shall be deposited into the Fountain Square 59369  
Facilities Management Fund (Fund 635). 59370

LEASE RENTAL PAYMENTS 59371

The foregoing appropriation item 725-413, Lease Rental 59372  
Payments, shall be used to meet all payments at the times they are 59373  
required to be made during the period from July 1, 2007, to June 59374  
30, 2009, by the Department of Natural Resources pursuant to 59375  
leases and agreements made under section 154.22 of the Revised 59376  
Code. These appropriations are the source of funds pledged for 59377  
bond service charges or obligations issued pursuant to Chapter 59378  
154. of the Revised Code. 59379

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 59380

The foregoing appropriation item 725-903, Natural Resources 59381  
General Obligation Debt Service, shall be used to pay all debt 59382  
service and related financing costs during the period July 1, 59383  
2007, to June 30, 2009, on obligations issued under sections 59384  
151.01 and 151.05 of the Revised Code. 59385

**Section 343.40. WILDLIFE LICENSE REIMBURSEMENT** 59386

Notwithstanding the limits of the transfer from the General 59387  
Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 59388  
of the Revised Code, up to the amount available in appropriation 59389

item 725-425, Wildlife License Reimbursement, may be transferred 59390  
from the General Revenue Fund to the Wildlife Fund (Fund 015). 59391  
Pursuant to the certification of the Director of Budget and 59392  
Management of the amount of foregone revenue in accordance with 59393  
section 1533.15 of the Revised Code, the foregoing appropriation 59394  
item in the General Revenue Fund, appropriation item 725-425, 59395  
Wildlife License Reimbursement, shall be used to reimburse the 59396  
Wildlife Fund (Fund 015) for the cost of hunting and fishing 59397  
licenses and permits issued after June 30, 1990, to individuals 59398  
who are exempted under the Revised Code from license, permit, and 59399  
stamp fees. 59400

WILDLIFE CONSERVATION CHECKOFF FUND 59401

Of the foregoing appropriation item 725-655, Wildlife 59402  
Conservation Checkoff Fund, up to \$75,000 in each fiscal year 59403  
shall be used by the Ohio Wildlife Center for wildlife 59404  
preservation, wildlife protection, and wildlife education efforts. 59405

CANAL LANDS 59406

The foregoing appropriation item 725-456, Canal Lands, shall 59407  
be used to transfer funds to the Canal Lands Fund (Fund 430) to 59408  
provide operating expenses for the State Canal Lands Program. The 59409  
transfer shall be made using an intrastate transfer voucher and 59410  
shall be subject to the approval of the Director of Budget and 59411  
Management. 59412

SOIL AND WATER DISTRICTS 59413

In addition to state payments to soil and water conservation 59414  
districts authorized by section 1515.10 of the Revised Code, the 59415  
Department of Natural Resources may pay to any soil and water 59416  
conservation district, from authority in appropriation item 59417  
725-502, Soil and Water Districts, an annual amount not to exceed 59418  
\$30,000, upon receipt of a request and justification from the 59419  
district and approval by the Ohio Soil and Water Conservation 59420



Commission. The county auditor shall credit the payments to the 59421  
special fund established under section 1515.10 of the Revised Code 59422  
for the local soil and water conservation district. Moneys 59423  
received by each district shall be expended for the purposes of 59424  
the district. The foregoing appropriation item 725-683, Soil and 59425  
Water Districts, shall be expended for the purposes described 59426  
above, except that the funding source for this appropriation shall 59427  
be a fee applied on the disposal of construction and demolition 59428  
debris as provided in section 1515.14 of the Revised Code, as 59429  
amended by this act. 59430

Of the foregoing appropriation item 725-683, Soil and Water 59431  
Districts, \$220,000 in each fiscal year shall be used to support 59432  
the Heidelberg College Water Quality Laboratory. 59433

Of the foregoing appropriation item 725-683, Soil and Water 59434  
Districts, \$125,000 in each fiscal year shall be used for the 59435  
Indian Lake Watershed in Logan County. 59436

Of the foregoing appropriation item 725-502, Soil and Water 59437  
Districts, \$35,000 in each fiscal year shall be used for the 59438  
Conservation Action Project. 59439

STATE PARK DEPRECIATION RESERVE 59440

The foregoing appropriation item 725-680, Parks Facilities 59441  
Maintenance, shall be used by the Division of Parks and Recreation 59442  
to maintain state park revenue-producing facilities in the best 59443  
economic operating condition and to repair and replace equipment 59444  
used in the operation of state park revenue producing facilities. 59445

OIL AND GAS WELL PLUGGING 59446

The foregoing appropriation item 725-677, Oil and Gas Well 59447  
Plugging, shall be used exclusively for the purposes of plugging 59448  
wells and to properly restore the land surface of idle and orphan 59449  
oil and gas wells pursuant to section 1509.071 of the Revised 59450  
Code. No funds from the appropriation item shall be used for 59451

salaries, maintenance, equipment, or other administrative 59452  
purposes, except for those costs directly attributed to the 59453  
plugging of an idle or orphan well. Appropriation authority from 59454  
this appropriation item shall not be transferred to any other fund 59455  
or line item. 59456

LITTER CONTROL AND RECYCLING 59457

Of the foregoing appropriation item, 725-644, Litter Control 59458  
and Recycling, not more than \$1,500,000 may be used in each fiscal 59459  
year for the administration of the Recycling and Litter Prevention 59460  
program. 59461

CLEAN OHIO OPERATING EXPENSES 59462

The foregoing appropriation item 725-405, Clean Ohio 59463  
Operating, shall be used by the Department of Natural Resources in 59464  
administering section 1519.05 of the Revised Code. 59465

WATERCRAFT MARINE PATROL 59466

Of the foregoing appropriation item 739-401, Division of 59467  
Watercraft, not more than \$200,000 in each fiscal year shall be 59468  
expended for the purchase of equipment for marine patrols 59469  
qualifying for funding from the Department of Natural Resources 59470  
pursuant to section 1547.67 of the Revised Code. Proposals for 59471  
equipment shall accompany the submission of documentation for 59472  
receipt of a marine patrol subsidy pursuant to section 1547.67 of 59473  
the Revised Code and shall be loaned to eligible marine patrols 59474  
pursuant to a cooperative agreement between the Department of 59475  
Natural Resources and the eligible marine patrol. 59476

WATERCRAFT REVOLVING LOAN PROGRAM 59477

Upon certification by the Director of Natural Resources, the 59478  
Director of Budget and Management shall transfer an amount not to 59479  
exceed \$1,000,000 in fiscal year 2008 and not to exceed \$1,000,000 59480  
in fiscal year 2009 so certified from the Waterways Safety Fund 59481

(Fund 086) to the Watercraft Revolving Loans Fund (Fund 5AW). The 59482  
moneys shall be used pursuant to sections 1547.721 to 1547.726 of 59483  
the Revised Code. 59484

PARKS CAPITAL EXPENSES FUND 59485

The Director of Natural Resources shall submit to the 59486  
Director of Budget and Management the estimated design, 59487  
engineering, and planning costs of capital-related work to be done 59488  
by Department of Natural Resources staff for parks projects. If 59489  
the Director of Budget and Management approves the estimated 59490  
costs, the Director may release appropriations from appropriation 59491  
item 725-406, Parks Projects Personnel, for those purposes. Upon 59492  
release of the appropriations, the Department of Natural Resources 59493  
shall pay for these expenses from the Parks Capital Expenses Fund 59494  
(Fund 227). Expenses paid from Fund 227 shall be reimbursed by the 59495  
Parks and Recreation Improvement Fund (Fund 035) using an 59496  
intrastate transfer voucher. 59497

CAPITAL EXPENSES FUND 59498

The Department of Natural Resources shall periodically 59499  
prepare and submit to the Director of Budget and Management the 59500  
estimated design, planning, and engineering costs of 59501  
capital-related work to be done by the Department of Natural 59502  
Resources for each project. Based on the estimates, the Director 59503  
of Budget and Management may release appropriations from 59504  
appropriation item CAP-753, Project Planning, within the Ohio 59505  
Parks and Natural Resources Fund (Fund 031) to pay for design, 59506  
planning, and engineering costs incurred by the Department of 59507  
Natural Resources for the projects. Upon release of the 59508  
appropriations by the Director of Budget and Management, the 59509  
Department of Natural Resources shall pay for these expenses from 59510  
the Capital Expenses Fund (Fund 4S9), and shall be reimbursed by 59511  
the Ohio Parks and Natural Resources Fund (Fund 031) using an 59512  
intrastate voucher. 59513

FUND CONSOLIDATION 59514

On July 1, 2007, or as soon thereafter as possible, the 59515  
Director of Budget and Management shall transfer the cash balance 59516  
as certified by the Director of Natural Resources from the Federal 59517  
Forestry Fund (Fund 328) to the State Forest Fund (Fund 509). The 59518  
Director shall cancel any remaining outstanding encumbrances 59519  
against appropriation item 725-603, Forestry-Federal, and 59520  
re-establish them against appropriation item 725-602, State 59521  
Forest. The amounts of any encumbrances canceled and 59522  
re-established are hereby appropriated. 59523

On July 1, 2007, or as soon thereafter as possible, the 59524  
Director of Budget and Management shall transfer the cash balance 59525  
as certified by the Director of Natural Resources from the REALM 59526  
Support Services Fund (Fund 206) to the Fountain Square Facilities 59527  
Management Fund (Fund 635). The Director shall cancel any 59528  
remaining outstanding encumbrances against appropriation item 59529  
725-689, REALM Support Services, and re-establish them against 59530  
appropriation item 725-664, Fountain Square Facilities Management. 59531  
The amounts of any encumbrances canceled and re-established are 59532  
hereby appropriated. 59533

STATE PARK OPERATING 59534

All proceeds from insurance companies and any other sources 59535  
for the replacement and construction of the Lake Hope Lodge and 59536  
its appurtenances shall be deposited into the State Park Operating 59537  
Fund (Fund 512). 59538

**Section 345.10.** NUR STATE BOARD OF NURSING 59539

General Services Fund Group 59540

4K9	884-609	Operating Expenses	\$	5,661,280	\$	5,661,280	59541
5P8	884-601	Nursing Special Issues	\$	5,000	\$	5,000	59542
5AC	884-602	Nurse Education Grant	\$	1,450,000	\$	1,450,000	59543

Program			
TOTAL GSF General Services			59544
Fund Group	\$ 7,116,280	\$ 7,116,280	59545
TOTAL ALL BUDGET FUND GROUPS	\$ 7,116,280	\$ 7,116,280	59546
NURSING SPECIAL ISSUES			59547
The foregoing appropriation item 884-601, Nursing Special			59548
Issues (Fund 5P8), shall be used to pay the costs the Board of			59549
Nursing incurs in implementing section 4723.062 of the Revised			59550
Code.			59551
<b>Section 347.10.</b> PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,			59552
AND ATHLETIC TRAINERS BOARD			59553
General Services Fund Group			59554
4K9 890-609 Operating Expenses	\$ 892,241	\$ 963,984	59555
TOTAL GSF General Services Fund	\$ 892,241	\$ 963,984	59556
Group			
TOTAL ALL BUDGET FUND GROUPS	\$ 892,241	\$ 963,984	59557
<b>Section 349.10.</b> OLA OHIOANA LIBRARY ASSOCIATION			59559
General Revenue Fund			59560
GRF 355-501 Library Subsidy	\$ 200,000	\$ 200,000	59561
TOTAL GRF General Revenue Fund	\$ 200,000	\$ 200,000	59562
TOTAL ALL BUDGET FUND GROUPS	\$ 200,000	\$ 200,000	59563
<b>Section 351.10.</b> ODB OHIO OPTICAL DISPENSERS BOARD			59565
General Services Fund Group			59566
4K9 894-609 Operating Expenses	\$ 333,656	\$ 345,324	59567
TOTAL GSF General Services			59568
Fund Group	\$ 333,656	\$ 345,324	59569
TOTAL ALL BUDGET FUND GROUPS	\$ 333,656	\$ 345,324	59570
<b>Section 353.10.</b> OPT STATE BOARD OF OPTOMETRY			59572

General Services Fund Group				59573
4K9 885-609 Operating Expenses	\$	344,571	\$ 351,071	59574
TOTAL GSF General Services				59575
Fund Group	\$	344,571	\$ 351,071	59576
TOTAL ALL BUDGET FUND GROUPS	\$	344,571	\$ 351,071	59577

**Section 355.10.** OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, 59579  
AND PEDORTHICS 59580

General Services Fund Group				59581
4K9 973-609 Operating Expenses	\$	111,300	\$ 116,260	59582
TOTAL GSF General Services				59583
Fund Group	\$	111,300	\$ 116,260	59584
TOTAL ALL BUDGET FUND GROUPS	\$	111,300	\$ 116,260	59585

**Section 357.10.** PBR STATE PERSONNEL BOARD OF REVIEW 59586

General Revenue Fund				59587
GRF 124-321 Operating	\$	1,137,181	\$ 1,179,825	59588
TOTAL GRF General Revenue Fund	\$	1,137,181	\$ 1,179,825	59589
General Services Fund Group				59590
636 124-601 Records and Reporting	\$	15,000	\$ 15,000	59591
Support				
TOTAL GSF General Services				59592
Fund Group	\$	15,000	\$ 15,000	59593
TOTAL ALL BUDGET FUND GROUPS	\$	1,152,181	\$ 1,194,825	59594

**Section 359.10.** UST PETROLEUM UNDERGROUND STORAGE TANK 59596

Agency Fund Group				59597
691 810-632 PUSTRCB Staff	\$	1,116,658	\$ 1,169,181	59598
TOTAL AGY Agency Fund Group	\$	1,116,658	\$ 1,169,181	59599
TOTAL ALL BUDGET FUND GROUPS	\$	1,116,658	\$ 1,169,181	59600

**Section 361.10.** PRX STATE BOARD OF PHARMACY 59602

General Services Fund Group				59603
4A5 887-605 Drug Law Enforcement	\$	75,550	\$ 75,550	59604
4K9 887-609 Operating Expenses	\$	4,874,572	\$ 5,251,032	59605
TOTAL GSF General Services Fund	\$	4,950,122	\$ 5,326,582	59606
Group				
Federal Special Revenue Fund Group				59607
3BC 887-604 Dangerous Drugs	\$	558,531	\$ 491,405	59608
Database				
TOTAL FED Federal Special Revenue	\$	558,531	\$ 491,405	59609
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	5,508,653	\$ 5,817,987	59610
<b>Section 363.10. PSY STATE BOARD OF PSYCHOLOGY</b>				59612
General Services Fund Group				59613
4K9 882-609 Operating Expenses	\$	586,565	\$ 586,565	59614
TOTAL GSF General Services				59615
Fund Group	\$	586,565	\$ 586,565	59616
TOTAL ALL BUDGET FUND GROUPS	\$	586,565	\$ 586,565	59617
<b>Section 365.10. PUB OHIO PUBLIC DEFENDER COMMISSION</b>				59619
General Revenue Fund				59620
GRF 019-321 Public Defender	\$	1,287,404	\$ 1,315,150	59621
Administration				
GRF 019-401 State Legal Defense	\$	5,914,023	\$ 6,120,592	59622
Services				
GRF 019-403 Multi-County: State	\$	766,402	\$ 762,727	59623
Share				
GRF 019-404 Trumbull County -	\$	244,816	\$ 243,650	59624
State Share				
GRF 019-405 Training Account	\$	31,324	\$ 31,324	59625
GRF 019-501 County Reimbursement	\$	29,834,251	\$ 29,572,857	59626
TOTAL GRF General Revenue Fund	\$	38,078,220	\$ 38,046,300	59627

General Services Fund Group				59628
101 019-602 Inmate Legal	\$	33,338	\$ 34,638	59629
Assistance				
407 019-604 County Representation	\$	219,800	\$ 227,500	59630
408 019-605 Client Payments	\$	611,537	\$ 476,760	59631
5CX 019-617 Civil Case Filing Fee	\$	409,237	\$ 598,400	59632
TOTAL GSF General Services				59633
Fund Group	\$	1,273,912	\$ 1,337,298	59634
Federal Special Revenue Fund Group				59635
3S8 019-608 Federal Representation	\$	350,948	\$ 364,917	59636
TOTAL FED Federal Special Revenue				59637
Fund Group	\$	350,948	\$ 364,917	59638
State Special Revenue Fund Group				59639
4C7 019-601 Multi-County: County	\$	2,181,300	\$ 2,288,200	59640
Share				
4X7 019-610 Trumbull County -	\$	696,800	\$ 731,000	59641
County Share				
574 019-606 Civil Legal Aid	\$	40,000,000	\$ 40,000,000	59642
TOTAL SSR State Special Revenue				59643
Fund Group	\$	42,878,100	\$ 43,019,200	59644
TOTAL ALL BUDGET FUND GROUPS	\$	82,581,180	\$ 82,767,715	59645
INDIGENT DEFENSE OFFICE				59646
The foregoing appropriation items 019-404, Trumbull County -				59647
State Share, and 019-610, Trumbull County - County Share, shall be				59648
used to support an indigent defense office for Trumbull County.				59649
MULTI-COUNTY OFFICE				59650
The foregoing appropriation items 019-403, Multi-County:				59651
State Share, and 019-601, Multi-County: County Share, shall be				59652
used to support the Office of the Ohio Public Defender's				59653
Multi-County Branch Office Program.				59654
TRAINING ACCOUNT				59655



The foregoing appropriation item 019-405, Training Account, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who represent at least one indigent defendant at no cost and for state and county public defenders and attorneys who contract with the Ohio Public Defender to provide indigent defense services.

FEDERAL REPRESENTATION

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.

**Section 367.10.** DHS DEPARTMENT OF PUBLIC SAFETY

General Revenue Fund

GRF 763-403 Operating Expenses - \$ 4,164,697 \$ 4,164,697

EMA

GRF 768-424 Operating Expenses - \$ 814,478 \$ 814,478

CJS

GRF 769-321 Food Stamp Trafficking \$ 752,000 \$ 752,000

Enforcement Operations

TOTAL GRF General Revenue Fund \$ 5,731,175 \$ 5,731,175

State Special Revenue Fund Group

5EX 768-690 Disaster Preparedness \$ 350,000 \$ 350,000

TOTAL SSR State Special Revenue \$ 350,000 \$ 350,000

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 6,081,175 \$ 6,081,175

OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT

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 59682  
 stronger search and rescue capability statewide. 59683

EMA DISASTER PREPAREDNESS AND RESPONSE GRANT 59684

Of the foregoing appropriation item 768-690, Disaster 59685  
 Preparedness, \$350,000 in each fiscal year shall be used for a 59686  
 grant to the American Red Cross Greater Columbus Chapter for 59687  
 implementation of programs to assist in disaster preparedness and 59688  
 response throughout Ohio. The American Red Cross Greater Columbus 59689  
 Chapter shall develop a funding plan that includes programmatic, 59690  
 infrastructure, and administrative costs. Moneys shall be released 59691  
 to the American Red Cross Greater Columbus Chapter not more than 59692  
 45 days after submission of the plan to the Ohio Emergency 59693  
 Management Agency. 59694

**Section 369.10.** PUC PUBLIC UTILITIES COMMISSION OF OHIO 59695

General Services Fund Group 59696

5F6 870-622 Utility and Railroad	\$	32,820,027	\$	33,804,627	59697
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Regulation

5F6 870-624 NARUC/NRRI Subsidy	\$	158,000	\$	158,000	59698
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5F6 870-625 Motor Transportation	\$	4,635,413	\$	4,772,765	59699
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Regulation

TOTAL GSF General Services 59700

Fund Group	\$	37,613,440	\$	38,735,392	59701
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Federal Special Revenue Fund Group 59702

3V3 870-604 Commercial Vehicle	\$	300,000	\$	300,000	59703
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Information

Systems/Networks

333 870-601 Gas Pipeline Safety	\$	597,957	\$	597,959	59704
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350 870-608 Motor Carrier Safety	\$	7,137,534	\$	7,351,660	59705
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TOTAL FED Federal Special Revenue 59706

Fund Group	\$	8,035,491	\$	8,249,619	59707
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State Special Revenue Fund Group					59708	
4A3 870-614	Grade Crossing	\$	1,349,757	\$	1,349,757	59709
	Protection					
	Devices-State					
4L8 870-617	Pipeline Safety-State	\$	187,621	\$	187,621	59710
4S6 870-618	Hazardous Material	\$	464,325	\$	464,325	59711
	Registration					
4S6 870-621	Hazardous Materials	\$	373,346	\$	373,346	59712
	Base State					
	Registration					
4U8 870-620	Civil Forfeitures	\$	284,986	\$	284,986	59713
5BP 870-623	Wireless 9-1-1	\$	26,875,000	\$	13,375,000	59714
	Administration					
559 870-605	Public Utilities	\$	4,000	\$	4,000	59715
	Territorial					
	Administration					
560 870-607	Public Utilities	\$	100,000	\$	100,000	59716
	Investigations					
561 870-606	Power Siting Board	\$	404,651	\$	404,652	59717
638 870-611	Biomass Energy Program	\$	40,000	\$	40,000	59718
661 870-612	Hazardous Materials	\$	900,000	\$	900,000	59719
	Transportation					
TOTAL SSR State Special Revenue						59720
Fund Group		\$	30,983,686	\$	17,483,687	59721
Agency Fund Group						59722
4G4 870-616	Base State	\$	2,000,000	\$	0	59723
	Registration Program					
TOTAL AGY Agency Fund Group		\$	2,000,000	\$	0	59724
TOTAL ALL BUDGET FUND GROUPS		\$	78,632,617	\$	64,468,698	59725
COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT						59726
The fund created by section 4923.26 of the Revised Code is						59727
the same fund, with a new name, as the Commercial Vehicle						59728

Information Systems and Networks Fund (Fund 3V3).				59729
ENHANCED AND WIRELESS ENHANCED 9-1-1				59730
The foregoing appropriation item 870-623, Wireless 9-1-1				59731
Administration, shall be used pursuant to section 4931.63 of the				59732
Revised Code.				59733
<b>Section 371.10.</b> PWC PUBLIC WORKS COMMISSION				59734
General Revenue Fund				59735
GRF 150-904 Conservation General	\$	14,698,728	\$	19,037,480
Obligation Debt				
Service				
GRF 150-907 State Capital	\$	175,738,464	\$	181,620,189
Improvements				
General Obligation				59738
Debt Service				
TOTAL GRF General Revenue Fund	\$	190,437,192	\$	200,657,669
Clean Ohio Fund Group				59740
056 150-403 Clean Ohio Operating	\$	301,537	\$	311,509
Expenses				
TOTAL 056 Clean Ohio Fund Group	\$	301,537	\$	311,509
TOTAL ALL BUDGET FUND GROUPS	\$	190,738,729	\$	200,969,178
CONSERVATION GENERAL OBLIGATION DEBT SERVICE				59744
The foregoing appropriation item 150-904, Conservation				59745
General Obligation Debt Service, shall be used to pay all debt				59746
service and related financing costs during the period from July 1,				59747
2007, through June 30, 2009, at the times they are required to be				59748
made for obligations issued under sections 151.01 and 151.09 of				59749
the Revised Code.				59750
STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE				59751
The foregoing appropriation item 150-907, State Capital				59752
Improvements General Obligation Debt Service, shall be used to pay				59753

all debt service and related financing costs during the period 59754  
from July 1, 2007, to June 30, 2009, at the times they are 59755  
required to be made for obligations issued under sections 151.01 59756  
and 151.08 of the Revised Code. 59757

REIMBURSEMENT TO THE GENERAL REVENUE FUND 59758

(A) On or before July 15, 2009, the Director of the Public 59759  
Works Commission shall certify to the Director of Budget and 59760  
Management the following: 59761

(1) The total amount disbursed from appropriation item 59762  
700-409, Farmland Preservation, during the fiscal year 2008-2009 59763  
biennium; and 59764

(2) The amount of interest earnings that have been credited 59765  
to the Clean Ohio Conservation Fund (Fund 056) that are in excess 59766  
of the amount needed for other purposes as calculated by the 59767  
Director of the Public Works Commission. 59768

(B) If the Director of Budget and Management determines under 59769  
division (A)(2) of this section that there are excess interest 59770  
earnings, the Director of Budget and Management shall, on or 59771  
before July 15, 2009, transfer the excess interest earnings to the 59772  
General Revenue Fund in an amount equal to the total amount 59773  
disbursed under division (A)(1) of this section from the Clean 59774  
Ohio Conservation Fund. 59775

CLEAN OHIO OPERATING EXPENSES 59776

The foregoing appropriation item 150-403, Clean Ohio 59777  
Operating Expenses, shall be used by the Ohio Public Works 59778  
Commission in administering sections 164.20 to 164.27 of the 59779  
Revised Code. 59780

**Section 373.10.** RAC STATE RACING COMMISSION 59781

State Special Revenue Fund Group 59782

5C4	875-607	Simulcast Horse Racing Purse	\$	16,000,000	\$	16,000,000	59783
562	875-601	Thoroughbred Race Fund	\$	3,100,000	\$	3,100,000	59784
563	875-602	Standardbred Development Fund	\$	2,600,000	\$	2,600,000	59785
564	875-603	Quarterhorse Development Fund	\$	1,000	\$	1,000	59786
565	875-604	Racing Commission Operating	\$	4,487,599	\$	4,487,599	59787
TOTAL SSR State Special Revenue							59788
Fund Group			\$	26,188,599	\$	26,188,599	59789
Holding Account Redistribution Fund Group							59790
R21	875-605	Bond Reimbursements	\$	212,900	\$	212,900	59791
TOTAL 090 Holding Account Redistribution							59792
Fund Group			\$	212,900	\$	212,900	59793
TOTAL ALL BUDGET FUND GROUPS							59794
 <b>Section 375.10. BOR BOARD OF REGENTS</b>							59796
General Revenue Fund							59797
GRF	235-321	Operating Expenses	\$	3,141,351	\$	3,141,351	59798
GRF	235-401	Lease Rental Payments	\$	203,177,900	\$	136,017,500	59799
GRF	235-402	Sea Grants	\$	300,000	\$	300,000	59800
GRF	235-406	Articulation and Transfer	\$	2,900,000	\$	2,900,000	59801
GRF	235-408	Midwest Higher Education Compact	\$	95,000	\$	95,000	59802
GRF	235-409	Information System	\$	1,175,172	\$	1,175,172	59803
GRF	235-414	State Grants and Scholarship Administration	\$	1,707,881	\$	1,707,881	59804
GRF	235-415	Jobs Challenge	\$	9,348,300	\$	9,348,300	59805

GRF 235-417	Ohio Learning Network	\$	3,119,496	\$	3,119,496	59806
GRF 235-418	Access Challenge	\$	66,585,769	\$	66,585,769	59807
GRF 235-420	Success Challenge	\$	53,653,973	\$	53,653,973	59808
GRF 235-428	Appalachian New Economy Partnership	\$	1,176,068	\$	1,176,068	59809
GRF 235-433	Economic Growth Challenge	\$	17,186,194	\$	17,186,194	59810
GRF 235-434	College Readiness and Access	\$	12,655,425	\$	12,655,425	59811
GRF 235-435	Teacher Improvement Initiatives	\$	4,797,506	\$	11,297,506	59812
GRF 235-436	AccelerateOhio	\$	2,500,000	\$	5,000,000	59813
GRF 235-437	STEM Initiatives	\$	10,000,000	\$	10,000,000	59814
GRF 235-451	Eminent Scholars	\$	0	\$	1,000,000	59815
GRF 235-455	EnterpriseOhio Network	\$	1,373,941	\$	1,373,941	59816
GRF 235-474	Area Health Education Centers Program Support	\$	1,571,756	\$	1,571,756	59817
GRF 235-501	State Share of Instruction	\$	1,620,877,952	\$	1,782,965,747	59818
GRF 235-502	Student Support Services	\$	795,790	\$	795,790	59819
GRF 235-503	Ohio Instructional Grants	\$	42,533,966	\$	18,315,568	59820
GRF 235-504	War Orphans Scholarships	\$	4,812,321	\$	4,812,321	59821
GRF 235-507	OhioLINK	\$	7,387,824	\$	7,387,824	59822
GRF 235-508	Air Force Institute of Technology	\$	1,925,345	\$	1,925,345	59823
GRF 235-510	Ohio Supercomputer Center	\$	4,271,195	\$	4,271,195	59824
GRF 235-511	Cooperative Extension Service	\$	26,157,760	\$	26,157,760	59825

GRF 235-513	Ohio University Voinovich Center	\$	336,082	\$	336,082	59826
GRF 235-514	Central State Supplement	\$	11,413,995	\$	11,413,995	59827
GRF 235-515	Case Western Reserve University School of Medicine	\$	3,011,271	\$	3,011,271	59828
GRF 235-518	Capitol Scholarship Program	\$	125,000	\$	125,000	59829
GRF 235-519	Family Practice	\$	4,548,470	\$	4,548,470	59830
GRF 235-520	Shawnee State Supplement	\$	2,056,986	\$	2,056,986	59831
GRF 235-521	The Ohio State University Glenn Institute	\$	286,082	\$	286,082	59832
GRF 235-524	Police and Fire Protection	\$	171,959	\$	171,959	59833
GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110	59834
GRF 235-526	Primary Care Residencies	\$	2,245,688	\$	2,245,688	59835
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957	59836
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000	59837
GRF 235-531	Student Choice Grants	\$	38,485,376	\$	38,485,376	59838
GRF 235-535	Ohio Agricultural Research and Development Center	\$	36,674,292	\$	36,674,292	59839
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885	59840
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756	59841



GRF 235-538	University of Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866	59842
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107	59843
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540	59844
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945	59845
GRF 235-547	School of International Business	\$	450,000	\$	450,000	59846
GRF 235-552	Capital Component	\$	19,306,442	\$	19,306,442	59847
GRF 235-553	Dayton Area Graduate Studies Institute	\$	2,806,599	\$	2,806,599	59848
GRF 235-554	Priorities in Collaborative Graduate Education	\$	2,355,548	\$	2,355,548	59849
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458	59850
GRF 235-556	Ohio Academic Resources Network	\$	3,727,223	\$	3,727,223	59851
GRF 235-558	Long-term Care Research	\$	311,047	\$	311,047	59852
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	100,015	\$	100,015	59853
GRF 235-563	Ohio College Opportunity Grant	\$	139,974,954	\$	151,113,781	59854
GRF 235-567	Central State University Speed to Scale	\$	4,400,000	\$	3,800,000	59855
GRF 235-569	Choose Ohio First	\$	50,000,000	\$	50,000,000	59856

	Scholarship				
GRF 235-572	The Ohio State University Clinic Support	\$ 1,277,019	\$ 1,277,019	59857	
GRF 235-583	Urban University Program	\$ 5,142,937	\$ 5,142,937	59858	
GRF 235-587	Rural University Projects	\$ 1,047,889	\$ 1,047,889	59859	
GRF 235-596	Hazardous Materials Program	\$ 360,435	\$ 360,435	59860	
GRF 235-599	National Guard Scholarship Program	\$ 16,611,063	\$ 16,611,063	59861	
GRF 235-909	Higher Education General Obligation Debt Service	\$ 163,222,668	\$ 198,309,840	59862	
TOTAL GRF	General Revenue Fund	\$ 2,673,619,549	\$ 2,799,954,545	59863	
	General Services Fund Group			59864	
220 235-614	Program Approval and Reauthorization	\$ 800,000	\$ 800,000	59865	
456 235-603	Sales and Services	\$ 700,000	\$ 700,000	59866	
TOTAL GSF	General Services Fund Group	\$ 1,500,000	\$ 1,500,000	59868	
	Federal Special Revenue Fund Group			59869	
3BG 235-626	Star Schools	\$ 2,980,865	\$ 2,990,746	59870	
3H2 235-608	Human Services Project	\$ 3,000,000	\$ 3,000,000	59871	
3H2 235-622	Medical Collaboration Network	\$ 3,346,144	\$ 3,346,144	59872	
3N6 235-605	State Student Incentive Grants	\$ 2,196,680	\$ 2,196,680	59873	
3T0 235-610	National Health Service Corps - Ohio Loan Repayment	\$ 250,000	\$ 250,000	59874	

312	235-609	Tech Prep	\$	183,850	\$	183,850	59875
312	235-611	Gear-up Grant	\$	3,300,000	\$	3,300,000	59876
312	235-612	Carl D. Perkins	\$	112,960	\$	112,960	59877
		Grant/Plan					
		Administration					
312	235-617	Improving Teacher	\$	3,200,000	\$	3,200,000	59878
		Quality Grant					
312	235-621	Science Education	\$	1,686,970	\$	1,686,970	59879
		Network					
TOTAL FED Federal Special Revenue							59880
Fund Group			\$	20,257,469	\$	20,267,350	59881
State Special Revenue Fund Group							59882
4E8	235-602	Higher Educational	\$	50,000	\$	45,000	59883
		Facility Commission					
		Administration					
4P4	235-604	Physician Loan	\$	476,870	\$	476,870	59884
		Repayment					
649	235-607	The Ohio State	\$	760,000	\$	760,000	59885
		University					
		Highway/Transportation					
		Research					
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000	59886
5DT	235-627	American Diploma	\$	250,000	\$	0	59887
		Project					
TOTAL SSR State Special Revenue							59888
Fund Group			\$	2,429,870	\$	2,174,870	59889
TOTAL ALL BUDGET FUND GROUPS			\$	2,697,806,888	\$	2,823,896,765	59890

**Section 375.10.10. OPERATING EXPENSES** 59892

Of the foregoing appropriation item 235-321, Operating 59893  
Expenses, up to \$150,000 in each fiscal year shall be used in 59894  
conjunction with funding provided in the Department of Education 59895  
budget under appropriation item 200-427, Academic Standards, to 59896

fund the operations of Ohio's Partnership for Continued Learning. 59897  
The Partnership shall advise and make recommendations to promote 59898  
collaboration among relevant state entities in an effort to help 59899  
local communities develop coherent and successful "P-16" learning 59900  
systems. Upon requesting and receiving approval from the 59901  
Controlling Board, the Director of Budget and Management may 59902  
transfer any unencumbered fiscal year 2008 balance to fiscal year 59903  
2009 to support the activities of the Partnership. 59904

**Section 375.10.20. LEASE RENTAL PAYMENTS** 59905

The foregoing appropriation item 235-401, Lease Rental 59906  
Payments, shall be used to meet all payments at the times they are 59907  
required to be made during the period from July 1, 2007, to June 59908  
30, 2009, by the Board of Regents under leases and agreements made 59909  
under section 154.21 of the Revised Code. These appropriations are 59910  
the source of funds pledged for bond service charges or 59911  
obligations issued pursuant to Chapter 154. of the Revised Code. 59912

**Section 375.10.30. SEA GRANTS** 59913

The foregoing appropriation item 235-402, Sea Grants, shall 59914  
be disbursed to the Ohio State University and shall be used to 59915  
conduct research on fish in Lake Erie. 59916

**Section 375.10.40. ARTICULATION AND TRANSFER** 59917

The foregoing appropriation item 235-406, Articulation and 59918  
Transfer, shall be used by the Board of Regents to maintain and 59919  
expand the work of the Articulation and Transfer Council to 59920  
develop a system of transfer policies to ensure that students at 59921  
state institutions of higher education can transfer and have 59922  
coursework apply to their majors and degrees at any other state 59923  
institution of higher education without unnecessary duplication or 59924  
institutional barriers under sections 3333.16, 3333.161, and 59925

3333.162 of the Revised Code. The Board of Regents shall, in 59926  
consultation with the Governor and the Department of Education, 59927  
convene a work group to establish coursework for content knowledge 59928  
and teacher competencies for early care and education degrees to 59929  
support articulation and transfer of coursework, certifications, 59930  
and credit earned across state-supported institutions of higher 59931  
education. 59932

Of the foregoing appropriation item 235-406, Articulation and 59933  
Transfer, \$200,000 in each fiscal year shall be used to support 59934  
the work of the Articulation and Transfer Council under division 59935  
(B) of section 3333.162 of the Revised Code. 59936

**Section 375.10.50. MIDWEST HIGHER EDUCATION COMPACT** 59937

The foregoing appropriation item 235-408, Midwest Higher 59938  
Education Compact, shall be distributed by the Board of Regents 59939  
under section 3333.40 of the Revised Code. 59940

**Section 375.10.60. INFORMATION SYSTEM** 59941

The foregoing appropriation item 235-409, Information System, 59942  
shall be used by the Board of Regents to operate the higher 59943  
education information data system known as the Higher Education 59944  
Information System. 59945

**Section 375.10.70. STATE GRANTS AND SCHOLARSHIP** 59946  
**ADMINISTRATION** 59947

The foregoing appropriation item 235-414, State Grants and 59948  
Scholarship Administration, shall be used by the Board of Regents 59949  
to administer the following student financial aid programs: Ohio 59950  
Instructional Grant, Ohio College Opportunity Grant, Ohio Student 59951  
Choice Grant, Ohio Academic Scholarship, Ohio War Orphans' 59952  
Scholarship, Nurse Education Assistance Loan Program, Regents 59953  
Graduate/Professional Fellowship, Ohio Safety Officers College 59954

Memorial Fund, Capitol Scholarship Program, and any other student 59955  
financial aid programs created by the General Assembly. The 59956  
appropriation item also shall be used to administer the federal 59957  
Leveraging Educational Assistance Partnership (LEAP) and Special 59958  
Leveraging Educational Assistance Partnership (SLEAP) programs and 59959  
other student financial aid programs created by Congress and to 59960  
provide fiscal services for the Ohio National Guard Scholarship 59961  
Program, the Physician Loan Repayment Program, and the Dentist 59962  
Loan Repayment Program. 59963

**Section 375.10.80. JOBS CHALLENGE** 59964

Funds appropriated to the foregoing appropriation item 59965  
235-415, Jobs Challenge, shall be distributed to state-assisted 59966  
community and technical colleges, regional campuses of 59967  
state-assisted universities, and other organizationally distinct 59968  
and identifiable member campuses of the EnterpriseOhio Network in 59969  
support of noncredit job-related training. In fiscal year 2008, 59970  
\$2,770,773 shall be distributed as performance grants to 59971  
EnterpriseOhio Network campuses based upon each campus's 59972  
documented performance according to criteria established by the 59973  
Board of Regents for assessment, training, and related services to 59974  
businesses, industries, and public sector organizations. 59975

Of the foregoing appropriation item 235-415, Jobs Challenge, 59976  
\$2,819,345 in fiscal year 2008 shall be allocated to the Targeted 59977  
Industries Training Grant Program to attract, develop, and retain 59978  
business and industry strategically important to the state's 59979  
economy and regional priorities. 59980

Of the foregoing appropriation item 235-415, Jobs Challenge, 59981  
\$3,758,182 in fiscal year 2008 shall be allocated to the Higher 59982  
Skills Incentives Program to promote and deliver coordinated 59983  
assessment and comprehensive training to local employers and to 59984  
reward EnterpriseOhio Network campuses for the amount of 59985

non-credit skill upgrading services provided to Ohio employers and 59986  
employees. The funds shall be distributed to campuses in 59987  
proportion to each campus's share of noncredit job-related 59988  
training revenues received by all campuses for the previous fiscal 59989  
year. 59990

**Section 375.10.90. OHIO LEARNING NETWORK** 59991

The foregoing appropriation item 235-417, Ohio Learning 59992  
Network, shall be used by the Board of Regents to support the 59993  
continued implementation of the Ohio Learning Network, a statewide 59994  
collaborative that delivers adult education including degree 59995  
completion, workforce training, and professional development using 59996  
online and distance education initiatives. The funds shall be used 59997  
by the Ohio Learning Network to develop and promote learning and 59998  
assessment through the use of technology, to test and provide 59999  
advice on emerging learning-directed technologies, and to 60000  
facilitate cost-effectiveness through shared educational 60001  
technology investments. 60002

**Section 375.20.10. ACCESS CHALLENGE** 60003

The foregoing appropriation item 235-418, Access Challenge, 60004  
shall be distributed to Ohio's state-assisted access colleges and 60005  
universities. For the purposes of this allocation, "access 60006  
campuses" includes state-assisted community colleges, state 60007  
community colleges, technical colleges, Shawnee State University, 60008  
Central State University, Cleveland State University, the regional 60009  
campuses of state-assisted universities, and, where they are 60010  
organizationally distinct and identifiable, the 60011  
community-technical colleges located at the University of 60012  
Cincinnati, Youngstown State University, and the University of 60013  
Akron. 60014

The purpose of Access Challenge is to reduce the student 60015

share of costs for resident undergraduates enrolled in lower 60016  
division undergraduate courses at Ohio's access campuses. The 60017  
long-term goal is to make the student share of costs for these 60018  
students equivalent to the student share of costs for resident 60019  
undergraduate students enrolled throughout Ohio's public colleges 60020  
and universities. Access Challenge appropriations shall be used to 60021  
sustain, as much as possible, the tuition restraint or tuition 60022  
reduction that was achieved with Access Challenge allocations in 60023  
prior years. Access campuses shall disclose, in their tuition 60024  
billing statements to students, the amount of tuition subsidized 60025  
by state Access Challenge subsidies. 60026

In fiscal year 2008, Access Challenge subsidies shall be 60027  
distributed by the Board of Regents to eligible access campuses on 60028  
the basis of the average of each campus's share of fiscal year 60029  
2005 and 2006 all-terms subsidy-eligible General Studies FTEs. 60030

For purposes of this calculation, Cleveland State 60031  
University's enrollments shall be adjusted by the ratio of the sum 60032  
of subsidy-eligible lower-division FTE student enrollments 60033  
eligible for access funding to the sum of subsidy-eligible General 60034  
Studies FTE student enrollments at Central State University and 60035  
Shawnee State University, and for the following universities and 60036  
their regional campuses: the Ohio State University, Ohio 60037  
University, Kent State University, Bowling Green State University, 60038  
Miami University, the University of Cincinnati, the University of 60039  
Akron, and Wright State University. 60040

**Section 375.20.20. SUCCESS CHALLENGE** 60041

The foregoing appropriation item 235-420, Success Challenge, 60042  
shall be used by the Board of Regents to promote degree completion 60043  
by students enrolled at a main campus of a state-assisted 60044  
university. 60045

Of the foregoing appropriation item 235-420, Success 60046



Challenge, 66.67 per cent of the appropriation in fiscal year 2008 60047  
shall be distributed to state-assisted university main campuses in 60048  
proportion to each campus's share of the total statewide 60049  
bachelor's degrees granted by university main campuses to 60050  
"at-risk" students. In fiscal year 2008, an "at-risk" student 60051  
means any undergraduate student who was eligible to receive an 60052  
Ohio need-based financial aid award during the past ten years. An 60053  
eligible institution shall not receive its share of this 60054  
distribution until it has submitted a plan that addresses how the 60055  
subsidy will be used to better serve at-risk students and increase 60056  
their likelihood of successful completion of a bachelor's degree 60057  
program. The Board of Regents shall disseminate to all 60058  
state-supported institutions of higher education all such plans 60059  
submitted by institutions that received Success Challenge funds. 60060

Of the foregoing appropriation item 235-420, Success 60061  
Challenge, 33.33 per cent of the appropriation in fiscal year 2008 60062  
shall be distributed to university main campuses in proportion to 60063  
each campus's share of the total bachelor's degrees granted by 60064  
university main campuses to undergraduate students who completed 60065  
their bachelor's degrees in a "timely manner" in the previous 60066  
fiscal year. For purposes of this section, "timely manner" means 60067  
the normal time it would take for a full-time degree-seeking 60068  
undergraduate student to complete the student's degree. Generally, 60069  
for such students pursuing a bachelor's degree, "timely manner" 60070  
means four years. Exceptions to this general rule shall be 60071  
permitted for students enrolled in programs specifically designed 60072  
to be completed in a longer time period. The Board of Regents 60073  
shall collect data to assess the timely completion statistics by 60074  
university main campuses. 60075

**Section 375.20.30. APPALACHIAN NEW ECONOMY PARTNERSHIP** 60076

The foregoing appropriation item 235-428, Appalachian New 60077

Economy Partnership, shall be distributed to Ohio University to 60078  
continue a multi-campus and multi-agency coordinated effort to 60079  
link Appalachia to the new economy. Ohio University shall use 60080  
these funds to provide leadership in the development and 60081  
implementation of initiatives in the areas of entrepreneurship, 60082  
management, education, and technology. 60083

**Section 375.20.40. ECONOMIC GROWTH CHALLENGE** 60084

The foregoing appropriation item 235-433, Economic Growth 60085  
Challenge, shall be used to enhance the basic research 60086  
capabilities of Ohio's public and private institutions of higher 60087  
education, support improved graduate programs throughout the 60088  
state, and promote the transfer of technology developed by 60089  
colleges and universities to private industry to further the 60090  
economic goals of the state. 60091

Of the foregoing appropriation item 235-433, Economic Growth 60092  
Challenge, \$12,000,000 in fiscal year 2008 shall be used for the 60093  
Research Incentive Program to enhance the basic research 60094  
capabilities of public colleges and universities and accredited 60095  
Ohio institutions of higher education holding certificates of 60096  
authorization issued under section 1713.02 of the Revised Code, in 60097  
order to strengthen academic research for pursuing Ohio's economic 60098  
development goals. The Board of Regents, in consultation with the 60099  
colleges and universities, shall administer the Research Incentive 60100  
Program and utilize a means of matching, on a fractional basis, 60101  
external funds attracted in the previous year by institutions for 60102  
basic research. The program may include incentives for increasing 60103  
the amount of external research funds coming to eligible 60104  
institutions and for focusing research efforts upon critical state 60105  
needs. Colleges and universities shall submit for review and 60106  
approval to the Board of Regents plans for the institutional 60107  
allocation of state dollars received through the program. The 60108

institutional plans shall provide the rationale for the allocation 60109  
in terms of the strategic targeting of funds for academic and 60110  
state purposes, for strengthening research programs, for 60111  
increasing the amount of external research funds, and shall 60112  
include an evaluation process to provide results of the increased 60113  
support. Institutional plans for the use of Research Incentive 60114  
funding must demonstrate a significant investment in Third 60115  
Frontier activities funded at the institution. For a college or 60116  
university with multiple Third Frontier grants, as much as ten per 60117  
cent of that institution's Research Incentive funding may be 60118  
invested in Third Frontier Project-related activities. Each 60119  
institutional plan for the investment of Research Incentive moneys 60120  
shall report on existing, planned, or possible relationships with 60121  
other state science and technology programs and funding recipients 60122  
in order to further ongoing statewide science and technology 60123  
collaboration objectives. The Board of Regents shall submit a 60124  
biennial report of progress to the General Assembly. 60125

In fiscal year 2008, both those state-assisted doctoral 60126  
degree-granting universities and those accredited Ohio 60127  
institutions of higher education holding certificates of 60128  
authorization under section 1713.02 of the Revised Code may elect 60129  
to participate in the Innovation Incentive Plan designed to 60130  
enhance doctoral programs and areas of research that have the 60131  
greatest potential to attract preeminent researchers and build 60132  
research capacity; enhance regional or state economic growth by 60133  
creating new products and services to be commercialized; and 60134  
complement Ohio's Third Frontier Project. 60135

In fiscal year 2008, funding for the Innovation Incentive 60136  
Program shall be generated from those state-assisted doctoral 60137  
degree-granting universities electing to set aside a portion of 60138  
their allocation of the doctoral reserve as provided in 60139  
appropriation item 235-501, State Share of Instruction, and state 60140

matching funds provided in appropriation item 235-433, Economic Growth Challenge. Additionally, those accredited Ohio institutions of higher education holding certificates of authorization under section 1713.02 of the Revised Code electing to participate in the Innovation Incentive Program shall be required to set aside an amount comparable to the state-assisted doctoral degree-granting universities. The criteria for the determination of this amount shall be developed by the Board of Regents.

Of the foregoing appropriation item 235-433, Economic Growth Challenge, \$4,686,194 in fiscal year 2008 shall match funds set aside by the participating universities under the Innovation Incentive Program.

The Board of Regents shall use the combined amount of each participating state-assisted university's set aside of the doctoral reserve that has been withheld, the state matching funds earmarked under appropriation item 235-433, Economic Growth Challenge, and the amount set aside by each accredited Ohio institution of higher education holding a certificate of authorization under section 1713.02 of the Revised Code electing to participate in the Innovation Incentive Program to make awards through a competitive process under the Innovation Incentive Program. Only universities electing to set aside the prescribed amount shall be eligible to compete for and receive Innovation Incentive awards. The participating universities shall use these awards to restructure their array of doctoral programs.

Of the foregoing appropriation item 235-433, Economic Growth Challenge, \$500,000 in fiscal year 2008 shall be distributed for the Technology Commercialization Incentive. The purpose of the Technology Commercialization Incentive is to reward public and private colleges and universities for successful technology transfer to Ohio-based business and industry resulting in the commercialization of new products, processes, and services and the

establishment of new business start-ups within the state. The 60173  
Third Frontier Commission, with counsel from the Third Frontier 60174  
Advisory Board, shall establish the eligibility criteria for 60175  
public and private colleges and universities interested in 60176  
applying for Technology Commercialization Incentive funding. To 60177  
qualify for the funds, public and private colleges and 60178  
universities must maintain a significant investment in their own 60179  
technology-transfer and commercialization operation and 60180  
capabilities, and possess a significant history of successful 60181  
research partnerships with Ohio-based business and industry. 60182

**Section 375.20.45. DISTRIBUTION OF CHALLENGE FUNDS** 60183

The Chancellor of the Board of Regents shall study the 60184  
effectiveness and appropriateness of the programs funded in GRF 60185  
appropriation items 235-415, Jobs Challenge, 235-418, Access 60186  
Challenge, 235-420, Success Challenge, and 235-433, Economic 60187  
Growth Challenge, in the context of today's knowledge-based 60188  
economy with a focus on student-based funding, the workforce 60189  
development needs of the state in the Twenty-first Century, and 60190  
incentives for student success. Based on the findings of the 60191  
study, the Chancellor of the Board of Regents shall make 60192  
recommendations for the distribution of the funds provided for 60193  
fiscal year 2009. Not later than May 1, 2008, the Chancellor of 60194  
the Board of Regents shall seek the Controlling Board's approval 60195  
of the recommended distribution of the funds provided for fiscal 60196  
year 2009 in GRF appropriation items 235-415, Jobs Challenge, 60197  
235-418, Access Challenge, 235-420, Success Challenge, and 60198  
235-433, Economic Growth Challenge. 60199

**Section 375.20.50. COLLEGE READINESS AND ACCESS** 60200

Appropriation item 235-434, College Readiness and Access, 60201  
shall be used by the Board of Regents to support programs designed 60202

to improve the academic preparation and increase the number of 60203  
students that enroll and succeed in higher education such as the 60204  
Ohio College Access Network, the state match for the federal 60205  
Gaining Early Awareness and Readiness for Undergraduate Program, 60206  
and early awareness initiatives. The appropriation item shall also 60207  
be used to support innovative statewide strategies to increase 60208  
student access and retention for specialized populations, and to 60209  
provide for pilot projects that will contribute to improving 60210  
access to higher education by specialized populations. The funds 60211  
also may be used for projects that improve access for nonpublic 60212  
secondary students. 60213

Of the foregoing appropriation item 235-434, College 60214  
Readiness and Access, \$798,684 in fiscal year 2008 and \$822,645 in 60215  
fiscal year 2009 shall be distributed to the Ohio Appalachian 60216  
Center for Higher Education at Shawnee State University. The board 60217  
of directors of the Center shall consist of the presidents of 60218  
Shawnee State University, Belmont Technical College, Hocking 60219  
College, Jefferson Community College, Zane State College, Rio 60220  
Grande Community College, Southern State Community College, and 60221  
Washington State Community College; the president of Ohio 60222  
University or a designee of the president; the dean of one of the 60223  
Salem, Tuscarawas, and East Liverpool regional campuses of Kent 60224  
State University, as designated by the president of Kent State 60225  
University; and a representative of the Board of Regents 60226  
designated by the Chancellor. 60227

Of the foregoing appropriation item 235-434, College 60228  
Readiness and Access, \$169,553 in fiscal year 2008 and \$174,640 in 60229  
fiscal year 2009 shall be distributed to Miami University for the 60230  
Student Achievement in Research and Scholarship (STARS) Program. 60231

Of the foregoing appropriation item 235-434, College 60232  
Readiness and Access, \$3,503,985 in each fiscal year shall be used 60233  
in conjunction with funding provided in the Ohio Department of 60234

Education budget under appropriation item 200-431, School  
Improvement Initiatives, to support the Early College High School  
Program. The funds shall be distributed according to guidelines  
established by the Department of Education and the Board of  
Regents.

**Section 375.20.60. TEACHER IMPROVEMENT INITIATIVES** 60240

Appropriation item 235-435, Teacher Improvement Initiatives,  
shall be used by the Board of Regents to support programs such as  
OSI - Discovery and the Centers of Excellence in Mathematics and  
Science designed to raise the quality of mathematics and science  
teaching in primary, secondary, and post-secondary education.

Of the foregoing appropriation item 235-435, Teacher  
Improvement Initiatives, \$204,049 in each fiscal year shall be  
distributed to the Mathematics and Science Center in Lake County.

Of the foregoing appropriation item 235-435, Teacher  
Improvement Initiatives, \$106,619 in each fiscal year shall be  
distributed to the Ohio Mathematics and Science Coalition.

Of the foregoing appropriation item 234-435, Teacher  
Improvement Initiatives, \$100,000 in each fiscal year shall be  
distributed to the Teacher Quality Partnerships study.

Of the foregoing appropriation item 235-435, Teacher  
Improvement Initiatives, \$100,000 in each fiscal year shall be  
distributed to the Sinclair Community College Distance Learning  
STEM Partnership.

Of the foregoing appropriation item 235-435, Teacher  
Improvement Initiatives, \$874,871 in each fiscal year shall be  
distributed to the Ohio Resource Center for Mathematics, Science,  
and Reading. The funds shall be used to support a resource center  
for mathematics, science, and reading to be located at a  
state-assisted university for the purpose of identifying best

educational practices in primary and secondary schools and 60265  
establishing methods for communicating them to colleges of 60266  
education and school districts. The Ohio Resource Center for 60267  
Mathematics, Science, and Reading shall not make available 60268  
resources that are inconsistent with the K-12 science standards 60269  
and policies as adopted by the State Board of Education. 60270

Of the foregoing appropriation item 235-435, Teacher 60271  
Improvement Initiatives, up to \$2,000,000 in each fiscal year 60272  
shall be used to support up to ten regional summer academies that 60273  
focus on foreign language, science, mathematics, engineering, and 60274  
technology and prepare eleventh and twelfth grade students 60275  
enrolled in public or chartered nonpublic schools to pursue 60276  
college-level foreign language, mathematics, science, technology, 60277  
and engineering, with a focus on secondary teaching in these 60278  
disciplines. Successful completion of these academics shall result 60279  
in dual high school and college credits. Costs shall be based upon 60280  
reasonable expenses, as determined by the Board of Regents, that 60281  
institutions of higher education may incur for faculty, supplies, 60282  
and other associated costs. 60283

Of the foregoing appropriation item 235-435, Teacher 60284  
Improvement Initiatives, up to \$4,000,000 in fiscal year 2009 60285  
shall be used to fund teacher-signing bonuses for individuals that 60286  
enter the teaching profession in a public school district or 60287  
school district building that has been designated a hard-to-staff 60288  
school by the Department of Education. To qualify for the signing 60289  
bonus, an individual must: (a) be licensed to teach; (b) be 60290  
assigned to teach in foreign language, science, or mathematics; 60291  
and (c) agree to teach in a hard-to-staff school for a minimum of 60292  
five years. An individual may qualify for up to \$20,000 in 60293  
state-funded bonuses if all obligations are met. The Board of 60294  
Regents shall develop this program jointly with the Department of 60295  
Education and the Partnership for Continued Learning. An 60296



individual may participate in either the teacher-signing bonus 60297  
program or the teacher loan-forgiveness program, but may not 60298  
receive benefits from both programs. The Board of Regents shall 60299  
recoup funds received by any program participant who has not 60300  
fulfilled the five-year teaching obligation as described in this 60301  
section. 60302

Of the foregoing appropriation item 235-435, Teacher 60303  
Improvement Initiatives, up to \$2,500,000 in fiscal year 2009 60304  
shall be used to fund teacher loan-forgiveness for individuals 60305  
that enter the teaching profession in a school district or school 60306  
district building that has been designated as a hard-to-staff 60307  
school by the Department of Education. To qualify for the loan 60308  
forgiveness, an individual must: (a) be licensed to teach; (b) be 60309  
assigned to teach in foreign language, science, or mathematics; 60310  
and (c) agree to teach in a hard-to-staff school for a minimum of 60311  
five years. An individual may qualify for up to \$20,000 in state 60312  
funded loan forgiveness if all obligations are met. The Board of 60313  
Regents shall develop this program jointly with the Department of 60314  
Education and the Partnership for Continued Learning. An 60315  
individual may participate in either the teacher-signing bonus 60316  
program or the teacher loan-forgiveness program, but may not 60317  
receive benefits from both programs. The Board of Regents shall 60318  
recoup funds received by any program participant who has not 60319  
fulfilled the five-year teaching obligation as described in this 60320  
section. 60321

**Section 375.20.70. ACCELERATEOHIO** 60322

The foregoing appropriation item 235-436 AccelerateOhio, 60323  
shall be used by the Board of Regents, in collaboration with 60324  
Ohio's public two-year campuses, to develop and implement a 60325  
statewide program designed to improve the education and skills of 60326  
Ohio's workforce by assisting low-income working adults in Ohio to 60327

improve their education and training. AccelerateOhio shall consist 60328  
of competency-based, low-cost, noncredit, and credit-bearing 60329  
modules and courses in communications, mathematics, and 60330  
information technology, and other fields selected by the Board of 60331  
Regents. The program shall be designed to culminate in a 60332  
certificate and provide recipients with a foundation for 60333  
additional post-secondary education. 60334

**Section 375.20.75. STEM INITIATIVES** 60335

The foregoing appropriation item 235-437, STEM Initiatives, 60336  
shall be used for STEM Academies. 60337

**Section 375.20.80. EMINENT SCHOLARS** 60338

The foregoing appropriation item 235-451, Eminent Scholars, 60339  
shall be used by the Ohio Board of Regents to continue the Ohio 60340  
Eminent Scholars Program, the purpose of which is to invest 60341  
educational resources to address problems that are of vital 60342  
statewide significance while fostering the growth in eminence of 60343  
Ohio's academic programs. Ohio Eminent Scholars endowed chairs 60344  
shall allow Ohio universities to recruit senior faculty members 60345  
from outside Ohio who are nationally and internationally 60346  
recognized scholars in areas of science and technology that 60347  
provide the basic research platforms on which the state's 60348  
technology and commercialization efforts are built. Endowment 60349  
grants of approximately \$685,494 to state colleges and 60350  
universities and nonprofit Ohio institutions of higher education 60351  
holding certificates of authorization issued under section 1713.02 60352  
of the Revised Code to match endowment gifts from nonstate sources 60353  
may be made in accordance with a plan established by the Ohio 60354  
Board of Regents. Matching nonstate endowment gifts shall be equal 60355  
to the state's endowment grant of approximately \$685,494. The 60356  
grants shall have as their purpose attracting and sustaining in 60357

Ohio scholar-leaders of national or international prominence; each 60358  
grant shall assist in accelerating state economic growth through 60359  
research that provides an essential basic science platform for 60360  
commercialization efforts. Such scholar-leaders shall, among their 60361  
duties, share broadly the benefits and knowledge unique to their 60362  
fields of scholarship to the betterment of Ohio and its people and 60363  
collaborate with other state technology programs and program 60364  
recipients. 60365

All new Eminent Scholar awards made by the Board of Regents 60366  
shall be associated with a Wright Center of Innovation, a 60367  
Partnership Award from the Biomedical Research and Technology 60368  
Transfer Trust Fund, or a Wright Capital Project. 60369

**Section 375.20.90. ENTERPRISEOHIO NETWORK** 60370

The foregoing appropriation item 235-455, EnterpriseOhio 60371  
Network, shall be allocated by the Board of Regents to continue 60372  
increasing the capabilities of the EnterpriseOhio Network to meet 60373  
the ongoing training needs of Ohio employers. Funds shall support 60374  
multicampus collaboration, best practice dissemination, and 60375  
capacity building projects. The Regents Advisory Committee for 60376  
Workforce Development, in its advisory role, shall advise in the 60377  
development of plans and activities. 60378

**Section 375.30.10. AREA HEALTH EDUCATION CENTERS** 60379

The foregoing appropriation item 235-474, Area Health 60380  
Education Centers Program Support, shall be used by the Board of 60381  
Regents to support the medical school regional area health 60382  
education centers' educational programs for the continued support 60383  
of medical and other health professions education and for support 60384  
of the Area Health Education Center Program. 60385

Of the foregoing appropriation item 235-474, Area Health 60386  
Education Centers Program Support, \$159,158 in each fiscal year 60387

shall be disbursed to the Ohio University College of Osteopathic  
Medicine to operate a mobile health care unit to serve the  
southeastern area of the state.

Of the foregoing appropriation item 235-474, Area Health  
Education Centers Program Support, \$119,369 in each fiscal year  
shall be used to support the Ohio Valley Community Health  
Information Network (OVCHIN) project.

**Section 375.30.20. STATE SHARE OF INSTRUCTION**

The Board of Regents shall establish procedures to allocate  
the foregoing appropriation item 235-501, State Share of  
Instruction, based on the formulas and enrollment in the  
instructional models set out in this section.

**(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS**

(1) As soon as practicable during each fiscal year of the  
biennium ending June 30, 2009, in accordance with instructions of  
the Board of Regents, each state-assisted institution of higher  
education shall report its actual enrollment to the Board of  
Regents.

(2) In defining the number of full-time equivalent students  
for state subsidy purposes, the Board of Regents shall exclude all  
undergraduate students who are not residents of Ohio, except those  
charged in-state fees in accordance with reciprocity agreements  
made under section 3333.17 of the Revised Code or employer  
contracts entered into under section 3333.32 of the Revised Code.

(3) In calculating the core subsidy entitlements for Medical  
II models only, the Board of Regents shall use the following count  
of FTE students:

(a) For those medical schools whose current year enrollment,  
including students repeating terms, is below the base enrollment,  
the Medical II FTE enrollment shall equal: 65 per cent of the base

enrollment plus 35 per cent of the current year enrollment 60418  
 including students repeating terms, where the base enrollment is: 60419

The Ohio State University	1010	60420
University of Cincinnati	833	60421
University of Toledo	650	60422
Wright State University	433	60423
Ohio University	433	60424
Northeastern Ohio Universities College of Medicine	433	60425

(b) For those medical schools whose current year enrollment, 60426  
 excluding students repeating terms, is equal to or greater than 60427  
 the base enrollment, the Medical II FTE enrollment shall equal the 60428  
 base enrollment plus the FTE for repeating students. 60429

(c) Students repeating terms may be no more than five per 60430  
 cent of current year enrollment. 60431

(4) The state share of instruction to state-supported 60432  
 universities for students enrolled in law schools in fiscal year 60433  
 2008 and fiscal year 2009 shall be calculated by using the number 60434  
 of subsidy-eligible FTE law school students funded by state 60435  
 subsidy in fiscal year 1995 or the actual number of 60436  
 subsidy-eligible FTE law school students at the institution in the 60437  
 fiscal year, whichever is less. 60438

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 60439

For purposes of calculating state share of instruction 60440  
 allocations, the total instructional costs per full-time 60441  
 equivalent student shall be: 60442

Model	Fiscal	Fiscal	
	Year 2008	Year 2009	
ARTS AND HUMANITIES 1	\$7,220	\$7,494	60444
ARTS AND HUMANITIES 2	9,431	9,790	60445
ARTS AND HUMANITIES 3	12,186	12,649	60446

ARTS AND HUMANITIES 4	17,836	18,514	60447
ARTS AND HUMANITIES 5	27,829	28,887	60448
ARTS AND HUMANITIES 6	34,540	35,852	60449
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	6,352	6,594	60450
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	7,389	7,670	60451
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	8,911	9,249	60452
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	10,744	11,152	60453
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	17,070	17,719	60454
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	21,908	22,740	60455
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	26,019	27,008	60456
MEDICAL 1	43,190	44,831	60457
MEDICAL 2	47,635	49,445	60458
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	6,552	6,801	60459
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	9,196	9,545	60460
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	11,610	12,051	60461
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	14,789	15,351	60462
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	18,420	19,119	60463
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	19,990	20,750	60464
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	27,676	28,728	60465
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	35,308	36,650	60466
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	48,150	49,979	60467

Doctoral I and Doctoral II models shall be allocated in 60468  
accordance with division (D)(1) of this section. 60469

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, 60470

AND GRADUATE WEIGHTS 60471

For the purpose of implementing the recommendations of the 60472  
 State Share of Instruction Consultation and the Higher Education 60473  
 Funding Study Council that priority be given to maintaining state 60474  
 support for science, technology, engineering, mathematics, 60475  
 medicine, and graduate programs, the costs in division (B) of this 60476  
 section shall be weighted by the amounts provided below: 60477

Model	Fiscal Year 2008	Fiscal Year 2009	
ARTS AND HUMANITIES 1	1.000	1.000	60479
ARTS AND HUMANITIES 2	1.000	1.000	60480
ARTS AND HUMANITIES 3	1.000	1.000	60481
ARTS AND HUMANITIES 4	1.000	1.000	60482
ARTS AND HUMANITIES 5	1.250	1.250	60483
ARTS AND HUMANITIES 6	1.250	1.250	60484
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.000	1.000	60485
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.000	1.000	60486
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.000	1.000	60487
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.000	1.000	60488
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.250	1.250	60489
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.250	1.250	60490
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.250	1.250	60491
MEDICAL 1	1.500	1.500	60492
MEDICAL 2	1.728	1.728	60493
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.000	1.000	60494
MEDICINE 1			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.002	1.002	60495
MEDICINE 2			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.613	1.613	60496
MEDICINE 3			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.690	1.690	60497
MEDICINE 4			

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.420	1.420	60498
MEDICINE 5			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	2.081	2.081	60499
MEDICINE 6			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.702	1.702	60500
MEDICINE 7			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.808	1.808	60501
MEDICINE 8			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	1.341	1.341	60502
MEDICINE 9			

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 60503  
ENTITLEMENTS AND ADJUSTMENTS 60504

(1) Of the foregoing appropriation item 235-501, State Share 60505  
of Instruction, up to 10.44 per cent of the appropriation in each 60506  
fiscal year shall be reserved for support of doctoral programs to 60507  
implement the recommendations of the Graduate Funding Commission. 60508  
The amount so reserved shall be referred to as the doctoral 60509  
set-aside. 60510

The doctoral set-aside shall be allocated to universities in 60511  
proportion to their share of the total number of Doctoral I 60512  
equivalent FTEs as calculated on an institutional basis using the 60513  
greater of the two-year or five-year FTEs for the period fiscal 60514  
year 1994 through fiscal year 1998 with annualized FTEs for fiscal 60515  
years 1994 through 1997 and all-term FTEs for fiscal year 1998 as 60516  
adjusted to reflect the effects of doctoral review and subsequent 60517  
changes in Doctoral I equivalent enrollments. For the purposes of 60518  
this calculation, Doctoral I equivalent FTEs shall equal the sum 60519  
of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs. 60520

If a university participates in the Innovation Incentive 60521  
Program outlined in appropriation item 235-433, Economic Growth 60522  
Challenge, in fiscal year 2008 the Board of Regents shall withhold 60523  
the university's increasing matching share required by the 60524



Innovation Incentive Program from its allocation of the doctoral  
set-aside. 60525  
60526

The Board of Regents shall use the combined amount of each 60527  
participating state-assisted university's set aside of the 60528  
doctoral reserve that has been withheld, the state matching funds 60529  
earmarked under appropriation item 235-433, Economic Growth 60530  
Challenge, and the amount set aside by each accredited Ohio 60531  
institution of higher education holding a certificate of 60532  
authorization under section 1713.02 of the Revised Code electing 60533  
to participate in the Innovation Incentive Program to make awards 60534  
through a competitive process under the Innovation Incentive 60535  
Program. Only universities electing to set aside the prescribed 60536  
amount shall be eligible to compete for and receive Innovation 60537  
Incentive awards. The participating universities shall use these 60538  
awards to restructure their array of doctoral programs. 60539

(2) Each campus's state share of instruction base formula 60540  
earnings shall be determined as follows: 60541

(a) For each campus in each fiscal year, the instructional 60542  
costs shall be determined by multiplying the amounts listed above 60543  
in divisions (B) and (C) of this section by (i) average 60544  
subsidy-eligible FTEs for the two-year period ending in the prior 60545  
year for all models except Doctoral I and Doctoral II; and (ii) 60546  
average subsidy-eligible FTEs for the five-year period ending in 60547  
the prior year for all models except Doctoral I and Doctoral II. 60548

(b) The Board of Regents shall compute the two calculations 60549  
listed in division (D)(2)(a) of this section and use the greater 60550  
amount as each campus's instructional costs. 60551

(c) The Board of Regents shall compute a uniform state share 60552  
of instructional costs by dividing the appropriations for 235-501, 60553  
State Share of Instruction, less the doctoral set-aside calculated 60554  
in division (D)(1) of this section, by the sum of all campuses' 60555

instructional costs as calculated in division (D)(2)(b) of this section. 60556  
60557

(d) The formula entitlement for each campus shall be determined by multiplying the uniform state share of costs calculated in division (D)(2)(c) of this section by the campus's instructional cost determined in division (D)(2)(b) of this section. 60558  
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(3) In addition to the doctoral set-aside allocation determined in division (D)(1) of this section and the formula entitlement determined in division (D)(2) of this section, an allocation based on fiscal year 2007 facility-based plant operations and maintenance (POM) subsidy shall be made. No campus shall be eligible for a POM allocation if the campus did not receive a net-assignable-square-foot-based (NASF) POM allocation in fiscal year 2007 and the amount of state share of instruction subsidy the campus would have received in fiscal year 2007 had the campus's calculation been based on the state share of instruction method described in this section, but using relevant fiscal year 2007 data, is less than 98.5% of the campus's actual final fiscal year 2007 state share of instruction earnings. 60563  
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For each eligible campus, the amount of the POM allocation in each fiscal year shall be the lesser of: 60576  
60577

(a) 98.5% of the campus's actual final fiscal year 2007 state share of instruction earnings, minus the amount the campus would have received in fiscal year 2007 had the campus's calculation been based on the state share of instruction method described in this section, but using relevant fiscal year 2007 data; or 60578  
60579  
60580  
60581  
60582

(b) The actual final fiscal year 2007 net-assignable-square-foot-based (NASF) POM allocation that was provided to the campus. 60583  
60584  
60585

Any POM allocations required by this division shall be funded 60586

by proportionately reducing formula entitlement earnings, 60587  
including the POM allocations, for all campuses. 60588

The Board of Regents, in consultation with representatives of 60589  
state-assisted colleges and universities, shall study the need for 60590  
the facility-based POM allocations and make recommendations for 60591  
changes by June 30, 2008. 60592

(4) ANNUAL STATE SHARE OF INSTRUCTION FUNDING GUARANTEE 60593

In addition to and after the other adjustment noted above, in 60594  
each fiscal year, no campus shall receive a state share of 60595  
instruction allocation that is less than 100 per cent of the prior 60596  
year's state share of instruction amount. Funds shall be made 60597  
available to fund this guarantee provision by recalculating the 60598  
uniform state share as described in division (D)(2)(c) of this 60599  
section by subtracting guarantee funds and the doctoral set-aside 60600  
from the total appropriations for appropriation item 235-501, 60601  
State Share of Instruction. 60602

(5) CAPITAL COMPONENT DEDUCTION 60603

After all other adjustments have been made, state share of 60604  
instruction earnings shall be reduced for each campus by the 60605  
amount, if any, by which debt service charged in Am. H.B. 748 of 60606  
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 60607  
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 60608  
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 60609  
General Assembly, and Am. Sub. H.B. 699 of the 126th General 60610  
Assembly for that campus exceeds that campus's capital component 60611  
earnings. The sum of the amounts deducted shall be transferred to 60612  
appropriation item 235-552, Capital Component, in each fiscal 60613  
year. 60614

(E) EXCEPTIONAL CIRCUMSTANCES 60615

Adjustments may be made to the state share of instruction 60616  
payments and other subsidies distributed by the Board of Regents 60617

to state-assisted colleges and universities for exceptional 60618  
circumstances. No adjustments for exceptional circumstances may be 60619  
made without the recommendation of the Chancellor and the approval 60620  
of the Controlling Board. 60621

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 60622  
INSTRUCTION 60623

The standard provisions of the state share of instruction 60624  
calculation as described in the preceding sections of temporary 60625  
law shall apply to any reductions made to appropriation item 60626  
235-501, State Share of Instruction, before the Board of Regents 60627  
has formally approved the final allocation of the state share of 60628  
instruction funds for any fiscal year. 60629

Any reductions made to appropriation item 235-501, State 60630  
Share of Instruction, after the Board of Regents has formally 60631  
approved the final allocation of the state share of instruction 60632  
funds for any fiscal year, shall be uniformly applied to each 60633  
campus in proportion to its share of the final allocation. 60634

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 60635

The state share of instruction payments to the institutions 60636  
shall be in substantially equal monthly amounts during the fiscal 60637  
year, unless otherwise determined by the Director of Budget and 60638  
Management pursuant to section 126.09 of the Revised Code. 60639  
Payments during the first six months of the fiscal year shall be 60640  
based upon the state share of instruction appropriation estimates 60641  
made for the various institutions of higher education according to 60642  
Board of Regents enrollment estimates. Payments during the last 60643  
six months of the fiscal year shall be distributed after approval 60644  
of the Controlling Board upon the request of the Board of Regents. 60645

**Section 375.30.25.** STATE SHARE OF INSTRUCTION FOR FISCAL 60646  
YEARS 2008 AND 2009 60647

(A) The boards of trustees of institutions of state-supported higher education shall restrain increases in fees charged to in-state undergraduate students, including the instructional fees, general fees, special purpose fees, service charges, fines, and any other fees or surcharges applicable to in-state undergraduate students. For the 2007-2008 academic year, each state-supported institution shall not increase its in-state undergraduate fees by more than three per cent over what the institution charged for the 2006-2007 academic year. For the 2008-2009 academic year, each state-supported institution shall not increase its in-state undergraduate fees over what the institution charged for the 2007-2008 academic year.

These limitations shall not apply to increases required to comply with institutional covenants related to their obligations or to meet unfunded legal mandates or legally binding obligations incurred or commitments made prior to the effective date of this section with respect to which the institution had identified such fee increases as the source of funds. Any increase required by such covenants and any such mandates, obligations, or commitments shall be reported by the Board of Regents to the Controlling Board. These limitations may also be modified by the Board of Regents, with the approval of the Controlling Board, to respond to exceptional circumstances as identified by the Board of Regents.

(B) Notwithstanding the distribution formulas outlined in Section 275.30.20 of this act, in fiscal year 2008 each state-supported institution shall receive what was received in fiscal year 2007. In addition, each institution shall receive a proportional share of the total appropriation increase from fiscal year 2007 to fiscal year 2008 in appropriation item 235-501, State Share of Instruction, if the institution demonstrates one per cent savings through identified internal efficiencies in fiscal year 2008, as certified by the Chancellor of the Board of Regents.

Notwithstanding the distribution formulas outlined in Section 60680  
275.30.20 of this act, in fiscal year 2009 each state-supported 60681  
institution shall receive what was received in fiscal year 2008. 60682  
In addition, each institution shall receive a proportional share 60683  
of the total appropriation increase from fiscal year 2008 to 60684  
fiscal year 2009 in appropriation item 235-501, State Share of 60685  
Instruction, if the institution demonstrates three per cent 60686  
savings through identified internal efficiencies in fiscal year 60687  
2009, as certified by the Chancellor of the Board of Regents. 60688

(C) In consultation with the Department of Development, the 60689  
Chancellor of the Board of Regents shall commission a study on the 60690  
needs of the business community relative to higher education in 60691  
the state. The study shall include all of the following: 60692

(1) Determine the needs of Ohio's business community; 60693

(2) Determine whether state-supported institutions of higher 60694  
education are meeting those needs; 60695

(3) Identify how state-supported institutions of higher 60696  
education can improve to meet those needs; 60697

(4) Identify the necessary skills and talents required by the 60698  
business community that Ohio's college graduates must have in 60699  
order to perform in the workplace; and 60700

(5) Make any necessary recommendations as to how 60701  
state-supported institutions of higher education can better meet 60702  
the needs of the business community. 60703

Not later than December 31, 2007, the Chancellor of the Board 60704  
of Regents shall report the findings of the study to the Governor, 60705  
the Speaker and the Minority Leader of the House of 60706  
Representatives, and the President and the Minority Leader of the 60707  
Senate. 60708

(D) In consultation with state-supported institutions of 60709

higher education, the Chancellor of the Board of Regents shall 60710  
develop a plan that includes all of the following: 60711

(1) A plan to achieve the access goal of increasing the 60712  
number of Ohioans with a college degree by 230,000 by 2017; 60713

(2) A plan to achieve the success goal of increasing the 60714  
graduation rate of those who first enroll in college on or after 60715  
the effective date of this section by twenty per cent by 2017; 60716

(3) A plan to achieve affordability through tuition restraint 60717  
and additional state support for higher education; such a plan 60718  
shall include goals for establishing and implementing funding 60719  
policies that provide for sufficient state funding support to 60720  
reach tuition that matches or is lower than the national averages 60721  
and state support that matches or exceeds the national average; 60722

(4) A plan to enhance the state's competitiveness for 60723  
attracting federal and other support for research and development 60724  
at public research universities; such a plan shall include goals 60725  
for reaching or exceeding the national average level of support, 60726  
on a per capita basis, for research and development; 60727

(5) A plan to promote higher education throughout the state 60728  
through the coordinated leadership efforts of the Governor, the 60729  
Chancellor of the Board of Regents, and other stakeholders; such a 60730  
plan shall include goals for using various media and other 60731  
partnerships to raise awareness of college opportunities, to 60732  
increase public awareness about the value of a college education, 60733  
and to create a shared vision that a higher education is 60734  
attainable by all Ohioans. 60735

Each of these plans shall include key outcome measures and 60736  
other appropriate indicators to allow for monitoring of progress 60737  
made in meeting the established goals. Each state-supported 60738  
institution of higher education shall provide any student and 60739  
institutional outcome data in any program areas requested by the 60740

Chancellor of the Board of Regents, including program efficiency 60741  
and utilization of state resources. Each state-supported 60742  
institution of higher education shall also commit to increasing 60743  
inter-institution collaborations and partnerships and enhancing 60744  
efficiencies with the goal of achieving measurable increases in 60745  
savings. 60746

In consultation with state-supported institutions of higher 60747  
education, the Chancellor of the Board of Regents shall study the 60748  
feasibility of establishing and implementing a tuition flexibility 60749  
plan that may allow state-supported institutions of higher 60750  
education to charge per-credit-hour-based tuition or differential 60751  
tuition. 60752

Not later than December 31, 2007, the Chancellor of the Board 60753  
of Regents shall report the plan and the tuition flexibility 60754  
feasibility study to the Governor, the Speaker and the Minority 60755  
Leader of the House of Representatives, and the President and the 60756  
Minority Leader of the Senate. 60757

**Section 375.30.30. HIGHER EDUCATION - BOARD OF TRUSTEES** 60758

Funds appropriated for instructional subsidies at colleges 60759  
and universities may be used to provide such branch or other 60760  
off-campus undergraduate courses of study and such master's degree 60761  
courses of study as may be approved by the Board of Regents. 60762

In providing instructional and other services to students, 60763  
boards of trustees of state-assisted institutions of higher 60764  
education shall supplement state subsidies by income from charges 60765  
to students. Each board shall establish the fees to be charged to 60766  
all students, including an instructional fee for educational and 60767  
associated operational support of the institution and a general 60768  
fee for noninstructional services, including locally financed 60769  
student services facilities used for the benefit of enrolled 60770  
students. The instructional fee and the general fee shall 60771



encompass all charges for services assessed uniformly to all 60772  
enrolled students. Each board may also establish special purpose 60773  
fees, service charges, and fines as required; such special purpose 60774  
fees and service charges shall be for services or benefits 60775  
furnished individual students or specific categories of students 60776  
and shall not be applied uniformly to all enrolled students. 60777  
Except for the board of trustees of Miami University, in 60778  
implementing the pilot tuition restructuring plan recognized in 60779  
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly 60780  
and again recognized by this act, a tuition surcharge shall be 60781  
paid by all students who are not residents of Ohio. 60782

The board of trustees of a state-assisted institution of 60783  
higher education shall not authorize a waiver or nonpayment of 60784  
instructional fees or general fees for any particular student or 60785  
any class of students other than waivers specifically authorized 60786  
by law or approved by the Chancellor. This prohibition is not 60787  
intended to limit the authority of boards of trustees to provide 60788  
for payments to students for services rendered the institution, 60789  
nor to prohibit the budgeting of income for staff benefits or for 60790  
student assistance in the form of payment of such instructional 60791  
and general fees. This prohibition is not intended to limit the 60792  
authority of the board of trustees of Miami University in 60793  
providing financial assistance to students in implementing the 60794  
pilot tuition restructuring plan recognized in Section 89.05 of 60795  
Am. Sub. H.B. 95 of the 125th General Assembly and again 60796  
recognized by this act. 60797

Except for Miami University, in implementing the pilot 60798  
tuition restructuring plan recognized in Section 89.05 of Am. Sub. 60799  
H.B. 95 of the 125th General Assembly and again recognized by this 60800  
act, each state-assisted institution of higher education in its 60801  
statement of charges to students shall separately identify the 60802  
instructional fee, the general fee, the tuition charge, and the 60803

tuition surcharge. Fee charges to students for instruction shall 60804  
not be considered to be a price of service but shall be considered 60805  
to be an integral part of the state government financing program 60806  
in support of higher educational opportunity for students. 60807

The board of trustees of state-assisted institutions of 60808  
higher education shall ensure that faculty members devote a proper 60809  
and judicious part of their work week to the actual instruction of 60810  
students. Total class credit hours of production per quarter per 60811  
full-time faculty member is expected to meet the standards set 60812  
forth in the budget data submitted by the Board of Regents. 60813

The authority of government vested by law in the boards of 60814  
trustees of state-assisted institutions of higher education shall 60815  
in fact be exercised by those boards. Boards of trustees may 60816  
consult extensively with appropriate student and faculty groups. 60817  
Administrative decisions about the utilization of available 60818  
resources, about organizational structure, about disciplinary 60819  
procedure, about the operation and staffing of all auxiliary 60820  
facilities, and about administrative personnel shall be the 60821  
exclusive prerogative of boards of trustees. Any delegation of 60822  
authority by a board of trustees in other areas of responsibility 60823  
shall be accompanied by appropriate standards of guidance 60824  
concerning expected objectives in the exercise of such delegated 60825  
authority and shall be accompanied by periodic review of the 60826  
exercise of this delegated authority to the end that the public 60827  
interest, in contrast to any institutional or special interest, 60828  
shall be served. 60829

**Section 375.30.40. STUDENT SUPPORT SERVICES** 60830

The foregoing appropriation item 235-502, Student Support 60831  
Services, shall be distributed by the Board of Regents to Ohio's 60832  
state-assisted colleges and universities that incur 60833  
disproportionate costs in the provision of support services to 60834

disabled students. 60835

**Section 375.30.50. OHIO INSTRUCTIONAL GRANTS** 60836

In each fiscal year, instructional grants for all eligible 60837  
full-time students who have attended a college, university, or 60838  
proprietary school and have completed coursework for college 60839  
credit, excluding early college high school and post-secondary 60840  
enrollment option students, prior to academic year 2006-2007, 60841  
shall be made using the tables under section 3333.12 of the 60842  
Revised Code. 60843

Of the foregoing appropriation item 235-503, Ohio 60844  
Instructional Grants, an amount in each fiscal year shall be used 60845  
to make the payments authorized by division (C) of section 3333.26 60846  
of the Revised Code to the institutions described in that 60847  
division. In addition, an amount in each fiscal year shall be used 60848  
to reimburse the institutions described in division (B) of section 60849  
3333.26 of the Revised Code for the cost of the waivers required 60850  
by that division. 60851

The unencumbered balance of appropriation item 235-503, Ohio 60852  
Instructional Grants, at the end of fiscal year 2008 shall be 60853  
transferred to fiscal year 2009 for use under the same 60854  
appropriation item. The amounts transferred are hereby 60855  
appropriated. 60856

**Section 375.30.60. WAR ORPHANS SCHOLARSHIPS** 60857

The foregoing appropriation item 235-504, War Orphans 60858  
Scholarships, shall be used to reimburse state-assisted 60859  
institutions of higher education for waivers of instructional fees 60860  
and general fees provided by them, to provide grants to 60861  
institutions that have received a certificate of authorization 60862  
from the Ohio Board of Regents under Chapter 1713. of the Revised 60863  
Code, in accordance with the provisions of section 5910.04 of the 60864

Revised Code, and to fund additional scholarship benefits provided 60865  
by section 5910.032 of the Revised Code. 60866

**Section 375.30.70. OHIOLINK** 60867

The foregoing appropriation item 235-507, OhioLINK, shall be 60868  
used by the Board of Regents to support OhioLINK, the state's 60869  
electronic library information and retrieval system, which 60870  
provides access statewide to an extensive set of electronic 60871  
databases and resources and the library holdings of all of Ohio's 60872  
public colleges and universities, 44 private colleges, and the 60873  
State Library of Ohio. 60874

**Section 375.30.80. AIR FORCE INSTITUTE OF TECHNOLOGY** 60875

The foregoing appropriation item 235-508, Air Force Institute 60876  
of Technology, shall be used to strengthen the research and 60877  
educational linkages between the Wright Patterson Air Force Base 60878  
and institutions of higher education in Ohio. Of the foregoing 60879  
appropriation item 235-508, Air Force Institute of Technology, 60880  
\$1,233,588 in each fiscal year shall be used for research projects 60881  
that connect the Air Force Research Laboratories with university 60882  
partners. The institute shall provide annual reports to the Third 60883  
Frontier Commission, that discuss existing, planned, or possible 60884  
collaborations between programs and funding recipients related to 60885  
technology, research development, commercialization, and support 60886  
for Ohio's economic development. 60887

Of the foregoing appropriation item 235-508, Air Force 60888  
Institute of Technology, \$691,757 in each fiscal year shall be 60889  
used to match federal dollars to support technology 60890  
commercialization and job creation. The Development Research 60891  
Corporation shall use the funds to create or expand Ohio-based 60892  
technology and commercial development collaborations in areas that 60893  
are a priority in Ohio's third frontier initiative between 60894

industry, academia, and government. 60895

**Section 375.30.90. OHIO SUPERCOMPUTER CENTER 60896**

The foregoing appropriation item 235-510, Ohio Supercomputer 60897  
Center, shall be used by the Board of Regents to support the 60898  
operation of the Ohio Super Computer Center, located at The Ohio 60899  
State University, as a statewide resource available to Ohio 60900  
research universities both public and private. It is also intended 60901  
that the center be made accessible to private industry as 60902  
appropriate. Policies of the center shall be established by a 60903  
governance committee, representative of Ohio's research 60904  
universities and private industry, to be appointed by the 60905  
Chancellor of the Board of Regents and established for this 60906  
purpose. 60907

Funds shall be used, in part, to support the Ohio 60908  
Supercomputer Center's Computational Science Initiative which 60909  
includes its industrial outreach program, Blue Collar Computing, 60910  
and its School of Computational Science. These collaborations 60911  
between the Ohio Supercomputer Center and Ohio's colleges and 60912  
universities shall be aimed at making Ohio a leader in using 60913  
computer modeling to promote economic development. 60914

Of the foregoing appropriation item 235-510, Ohio 60915  
Supercomputer Center, \$250,000 in each fiscal year shall be used 60916  
to support the Super Computer Center's activities in Beavercreek. 60917

**Section 375.40.10. COOPERATIVE EXTENSION SERVICE 60918**

The foregoing appropriation item 235-511, Cooperative 60919  
Extension Service, shall be disbursed through the Board of Regents 60920  
to The Ohio State University in monthly payments, unless otherwise 60921  
determined by the Director of Budget and Management under section 60922  
126.09 of the Revised Code. 60923

Of the foregoing appropriation item 235-511, Cooperative 60924

Extension Service, \$178,271 in each fiscal year shall be used for 60925  
additional staffing for county agents for expanded 4-H activities. 60926  
Of the foregoing appropriation item 235-511, Cooperative Extension 60927  
Service, \$178,271 in each fiscal year shall be used by the 60928  
Cooperative Extension Service, through the Enterprise Center for 60929  
Economic Development in cooperation with other agencies, for a 60930  
public-private effort to create and operate a small business 60931  
economic development program to enhance the development of 60932  
alternatives to the growing of tobacco, and implement, through 60933  
applied research and demonstration, the production and marketing 60934  
of other high-value crops and value-added products. Of the 60935  
foregoing appropriation item 235-511, Cooperative Extension 60936  
Service, \$55,179 in each fiscal year shall be used for farm labor 60937  
mediation and education programs, \$182,515 in each fiscal year 60938  
shall be used to support the Ohio State University Marion 60939  
Enterprise Center, and \$772,931 in each fiscal year shall be used 60940  
to support the Ohio Watersheds Initiative. 60941

**Section 375.40.20. OHIO UNIVERSITY VOINOVICH CENTER** 60942

The foregoing appropriation item 235-513, Ohio University 60943  
Voinovich Center, shall be used by the Board of Regents to support 60944  
the operations of Ohio University's Voinovich Center. 60945

**Section 375.40.30. PERFORMANCE STANDARDS FOR MEDICAL** 60946  
**EDUCATION** 60947

The Board of Regents, in consultation with the state-assisted 60948  
medical colleges, shall develop performance standards for medical 60949  
education. Special emphasis in the standards shall be placed on 60950  
attempting to ensure that at least 50 per cent of the aggregate 60951  
number of students enrolled in state-assisted medical colleges 60952  
continue to enter residency as primary care physicians. Primary 60953  
care physicians are general family practice physicians, general 60954

internal medicine practitioners, and general pediatric care 60955  
physicians. The Board of Regents shall monitor medical school 60956  
performance in relation to their plans for reaching the 50 per 60957  
cent systemwide standard for primary care physicians. 60958

**Section 375.40.35. CENTRAL STATE SUPPLEMENT** 60959

The foregoing appropriation item 235-514, Central State 60960  
Supplement, shall be used by Central State University to keep 60961  
undergraduate fees below the statewide average, consistent with 60962  
its mission of service to many first-generation college students 60963  
from groups historically underrepresented in higher education and 60964  
from families with limited incomes. 60965

**Section 375.40.40. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF** 60966  
**MEDICINE** 60967

The foregoing appropriation item 235-515, Case Western 60968  
Reserve University School of Medicine, shall be disbursed to Case 60969  
Western Reserve University through the Board of Regents in 60970  
accordance with agreements entered into under section 3333.10 of 60971  
the Revised Code, provided that the state support per full-time 60972  
medical student shall not exceed that provided to full-time 60973  
medical students at state universities. 60974

**Section 375.40.50. CAPITOL SCHOLARSHIP PROGRAM** 60975

The foregoing appropriation item 235-518, Capitol Scholarship 60976  
Program, shall be used by the Board of Regents to provide 60977  
scholarships to undergraduates of Ohio's four-year public and 60978  
private institutions of higher education participating in the 60979  
Washington Center Internship Program. A scholarship of \$1,800 60980  
shall be awarded to students enrolled in an institution operating 60981  
on a quarter system, and a scholarship of \$2,300 shall be awarded 60982  
to students enrolled in an institution operating on a semester 60983

system. The number of scholarships awarded shall be limited by the 60984  
amounts appropriated in fiscal years 2008 and 2009. The Washington 60985  
Center shall provide a minimum of \$1,300 per student in matching 60986  
scholarships. 60987

**Section 375.40.60. FAMILY PRACTICE** 60988

The Board of Regents shall develop plans consistent with 60989  
existing criteria and guidelines as may be required for the 60990  
distribution of appropriation item 235-519, Family Practice. 60991

**Section 375.40.70. SHAWNEE STATE SUPPLEMENT** 60992

The foregoing appropriation item 235-520, Shawnee State 60993  
Supplement, shall be used by Shawnee State University as detailed 60994  
by both of the following: 60995

(A) To allow Shawnee State University to keep its 60996  
undergraduate fees below the statewide average, consistent with 60997  
its mission of service to an economically depressed Appalachian 60998  
region; 60999

(B) To allow Shawnee State University to employ new faculty 61000  
to develop and teach in new degree programs that meet the needs of 61001  
Appalachians. 61002

Shawnee State University shall produce a projection of 61003  
in-state undergraduate tuition costs for a four-year period of 61004  
study not later than June 30, 2008. In fiscal year 2009, the 61005  
disbursement of these funds shall be contingent upon Shawnee State 61006  
University producing the required tuition cost projection. Shawnee 61007  
State University shall make every effort to restrain future 61008  
in-state undergraduate tuition increases to stay within those 61009  
projected amounts. 61010

**Section 375.40.80. OSU GLENN INSTITUTE** 61011



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. 61012  
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**Section 375.40.90. POLICE AND FIRE PROTECTION** 61016

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, and the City of Nelsonville that may be used to assist these local governments in providing police and fire protection for the central campus of the state-affiliated university located therein. Each participating municipality and township shall receive at least \$5,000 in each fiscal year. Funds shall be distributed according to the method employed by the Board of Regents in the previous biennium. 61017  
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**Section 375.50.10. GERIATRIC MEDICINE** 61028

The Board of Regents shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation item 235-525, Geriatric Medicine. 61029  
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**Section 375.50.20. PRIMARY CARE RESIDENCIES** 61032

The Board of Regents shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation item 235-526, Primary Care Residencies. 61033  
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The foregoing appropriation item 235-526, Primary Care Residencies, shall be distributed in each fiscal year of the biennium, based on whether or not the institution has submitted and gained approval for a plan. If the institution does not have 61037  
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an approved plan, it shall receive five per cent less funding per 61041  
student than it would have received from its annual allocation. 61042  
The remaining funding shall be distributed among those 61043  
institutions that meet or exceed their targets. 61044

**Section 375.50.30. OHIO AEROSPACE INSTITUTE** 61045

The foregoing appropriation item 235-527, Ohio Aerospace 61046  
Institute, shall be distributed by the Board of Regents under 61047  
section 3333.042 of the Revised Code. 61048

The Board of Regents, in consultation with the Third Frontier 61049  
Commission, shall develop a plan for providing for appropriate, 61050  
value-added participation of the Ohio Aerospace Institute in Third 61051  
Frontier Project proposals and grants. 61052

**Section 375.50.40. ACADEMIC SCHOLARSHIPS** 61053

The foregoing appropriation item 235-530, Academic 61054  
Scholarships, shall be used to provide academic scholarships to 61055  
students under section 3333.22 of the Revised Code. 61056

**Section 375.50.50. STUDENT CHOICE GRANTS** 61057

The foregoing appropriation item 235-531, Student Choice 61058  
Grants, shall be used to provide Student Choice Grants under 61059  
section 3333.27 of the Revised Code, except that in each fiscal 61060  
year, the Board of Regents shall make a Student Choice Grant under 61061  
that section only to a student who has a family income, as defined 61062  
by the Board for purposes of section 3333.122 of the Revised Code, 61063  
of \$95,000 or less. 61064

**Section 375.50.60. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT** 61065  
**CENTER** 61066

The foregoing appropriation item 235-535, Ohio Agricultural 61067  
Research and Development Center, shall be disbursed through the 61068

Board of Regents to The Ohio State University in monthly payments, 61069  
unless otherwise determined by the Director of Budget and 61070  
Management under section 126.09 of the Revised Code. The Ohio 61071  
Agricultural Research and Development Center shall not be required 61072  
to remit payment to The Ohio State University during the biennium 61073  
ending June 30, 2009, for cost reallocation assessments. The cost 61074  
reallocation assessments include, but are not limited to, any 61075  
assessment on state appropriations to the Center. 61076

The Ohio Agricultural Research and Development Center, an 61077  
entity of the College of Food, Agricultural, and Environmental 61078  
Sciences of The Ohio State University, shall further its mission 61079  
of enhancing Ohio's economic development and job creation by 61080  
continuing to internally allocate on a competitive basis 61081  
appropriated funding of programs based on demonstrated 61082  
performance. Academic units, faculty, and faculty-driven programs 61083  
shall be evaluated and rewarded consistent with agreed-upon 61084  
performance expectations as called for in the College's 61085  
Expectations and Criteria for Performance Assessment. 61086

Of the foregoing appropriation item 235-535, Ohio 61087  
Agricultural Research and Development Center, \$467,578 in each 61088  
fiscal year shall be used to purchase equipment. 61089

Of the foregoing appropriation item 235-535, Ohio 61090  
Agricultural Research and Development Center, \$822,592 in each 61091  
fiscal year shall be distributed to the Piketon Agricultural 61092  
Research and Extension Center. 61093

Of the foregoing appropriation item 235-535, Ohio 61094  
Agricultural Research and Development Center, \$216,471 in each 61095  
fiscal year shall be distributed to the 61096  
Raspberry/Strawberry-Ellagic Acid Research program at The Ohio 61097  
State University Medical College in cooperation with The Ohio 61098  
State University College of Agriculture. 61099

Of the foregoing appropriation item 235-535, Ohio 61100  
Agricultural Research and Development Center, \$43,294 in each 61101  
fiscal year shall be used to support the Ohio Berry Administrator. 61102

Of the foregoing appropriation item 235-535, Ohio 61103  
Agricultural Research and Development Center, \$86,588 in each 61104  
fiscal year shall be used for the development of agricultural 61105  
crops and products not currently in widespread production in Ohio, 61106  
in order to increase the income and viability of family farmers. 61107

Of the foregoing appropriation item 235-535, Ohio 61108  
Agricultural Research and Development Center, \$127,500 in each 61109  
fiscal year shall be distributed to Wilmington College for the 61110  
commercialization of agricultural products. 61111

**Section 375.50.70. STATE UNIVERSITY CLINICAL TEACHING** 61112

The foregoing appropriation items 235-536, The Ohio State 61113  
University Clinical Teaching; 235-537, University of Cincinnati 61114  
Clinical Teaching; 235-538, University of Toledo Clinical 61115  
Teaching; 235-539, Wright State University Clinical Teaching; 61116  
235-540, Ohio University Clinical Teaching; and 235-541, 61117  
Northeastern Ohio Universities College of Medicine Clinical 61118  
Teaching, shall be distributed through the Board of Regents. 61119

Of the foregoing appropriation item 235-539, Wright State 61120  
University Clinical Teaching, \$124,644 in each fiscal year of the 61121  
biennium shall be for the use of Wright State University's Ellis 61122  
Institute for Clinical Teaching Studies to operate the clinical 61123  
facility to serve the Greater Dayton area. 61124

**Section 375.50.80. SCHOOL OF INTERNATIONAL BUSINESS** 61125

Of the foregoing appropriation item 235-547, School of 61126  
International Business, \$250,000 in each fiscal year shall be used 61127  
for the continued development and support of the School of 61128  
International Business of the state universities of northeast 61129

Ohio. The money shall go to The University of Akron. These funds 61130  
shall be used by the university to establish a School of 61131  
International Business located at The University of Akron. It may 61132  
confer with Kent State University, Youngstown State University, 61133  
and Cleveland State University as to the curriculum and other 61134  
matters regarding the school. 61135

Of the foregoing appropriation item 235-547, School of 61136  
International Business, \$100,000 in each fiscal year shall be used 61137  
by the University of Toledo College of Business for expansion of 61138  
its international business programs. 61139

Of the foregoing appropriation item 235-547, School of 61140  
International Business, \$100,000 in each fiscal year shall be used 61141  
to support the Ohio State University BioMEMS program. 61142

**Section 375.50.90. CAPITAL COMPONENT** 61143

The foregoing appropriation item 235-552, Capital Component, 61144  
shall be used by the Board of Regents to implement the capital 61145  
funding policy for state-assisted colleges and universities 61146  
established in Am. H.B. 748 of the 121st General Assembly. 61147  
Appropriations from this item shall be distributed to all campuses 61148  
for which the estimated campus debt service attributable to new 61149  
qualifying capital projects is less than the campus's 61150  
formula-determined capital component allocation. Campus 61151  
allocations shall be determined by subtracting the estimated 61152  
campus debt service attributable to new qualifying capital 61153  
projects from the campus's formula-determined capital component 61154  
allocation. Moneys distributed from this appropriation item shall 61155  
be restricted to capital-related purposes. 61156

Any campus for which the estimated campus debt service 61157  
attributable to qualifying capital projects is greater than the 61158  
campus's formula-determined capital component allocation shall 61159  
have the difference subtracted from its State Share of Instruction 61160

allocation in each fiscal year. The sum of all such amounts shall 61161  
be transferred from appropriation item 235-501, State Share of 61162  
Instruction, to appropriation item 235-552, Capital Component. 61163

**Section 375.60.10. DAYTON AREA GRADUATE STUDIES INSTITUTE** 61164

The foregoing appropriation item 235-553, Dayton Area 61165  
Graduate Studies Institute, shall be used by the Board of Regents 61166  
to support the Dayton Area Graduate Studies Institute, an 61167  
engineering graduate consortium of three universities in the 61168  
Dayton area: Wright State University, the University of Dayton, 61169  
and the Air Force Institute of Technology, with the participation 61170  
of the University of Cincinnati and The Ohio State University. 61171

Of the foregoing appropriation item 235-553, Dayton Area 61172  
Graduate Studies Institute, \$350,000 in each fiscal year shall be 61173  
used by the Development Research Corporation to support 61174  
collaborative research and technology commercialization 61175  
initiatives in Ohio. 61176

**Section 375.60.20. PRIORITIES IN COLLABORATIVE GRADUATE** 61177  
**EDUCATION** 61178

The foregoing appropriation item 235-554, Priorities in 61179  
Collaborative Graduate Education, shall be used to support 61180  
improvements in graduate fields of study at state-assisted 61181  
universities identified by the Board of Regents, in consultation 61182  
with the Department of Development and the Department of Job and 61183  
Family Services, as vital to the state's economic strategy or 61184  
related to an area of workforce shortage. Each fiscal year, 61185  
participating institutions shall collectively submit for Board of 61186  
Regents approval a plan describing how they will work 61187  
collaboratively to improve the quality of their graduate programs 61188  
and how the funds are to be used for this purpose. The 61189  
collaborative effort for Ph.D. computer science programs shall be 61190

coordinated by the Ohio Supercomputer Center as part of its School of Computational Science. 61191  
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**Section 375.60.30. LIBRARY DEPOSITORIES** 61193

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. 61194  
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**Section 375.60.40. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 61200

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 Ohio's state-assisted colleges and universities in maintaining and enhancing network connections and in using new network technologies to improve research, education, and economic development programs. The network shall give priority to supporting the Third Frontier Network and allocating bandwidth to programs directly supporting Ohio's economic development. 61201  
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**Section 375.60.50. LONG-TERM CARE RESEARCH** 61210

Of the foregoing appropriation item 235-558, Long-term Care Research, \$211,047 in each fiscal year shall be disbursed to Miami University for long-term care research. 61211  
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Of the foregoing appropriation item, 235-558, Long-term Care Research, \$100,000 in each fiscal year shall be used to support research on best practices for long-term care in rural areas. 61214  
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**Section 375.60.60. BOWLING GREEN STATE UNIVERSITY CANADIAN STUDIES CENTER** 61217  
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The foregoing appropriation item 235-561, Bowling Green State University Canadian Studies Center, shall be used by the Canadian Studies Center at Bowling Green State University to study opportunities for Ohio and Ohio businesses to benefit from the Free Trade Agreement between the United States and Canada.

**Section 375.60.70. OHIO COLLEGE OPPORTUNITY GRANT PHASE-IN**

The foregoing appropriation item 235-563, Ohio College Opportunity Grant, shall be used by the Board of Regents to begin to award needs-based financial aid to students based on the United States Department of Education's method of determining financial need. Students who enrolled in a public, private, or proprietary post-secondary institution of higher education for the first time in academic year 2006-2007, excluding early college high school and post-secondary enrollment option participants, shall be eligible to receive aid based on their expected family contributions as calculated by the United States Department of Education, according to section 3333.122 of the Revised Code.

Eligible expenditures from the foregoing appropriation item 235-563, Ohio College Opportunity Grant, shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Chancellor of the Board of Regents and the Director of Job and Family Services shall enter into an interagency agreement to carry out this paragraph, which shall include, but not be limited to, developing reporting guidelines for these expenditures.

**Section 375.60.80. CENTRAL STATE UNIVERSITY SPEED TO SCALE**

The foregoing appropriation 235-567, Central State University Speed to Scale, shall be used to achieve the goals of the Speed to Scale Plan, which include increasing student enrollment through freshman recruitment and transferred students, increasing the



proportion of in-state students to 80 per cent of the total 61249  
student population, and increasing the student retention rates 61250  
between the first and second year of college by two per cent each 61251  
year. The goals shall be accomplished by targeting student 61252  
retention, improved articulation agreements with two-year 61253  
campuses, increased use of alternative course options, including 61254  
online coursework and Ohio Learning Network resources, College 61255  
Tech Prep, Post Secondary Enrollment Options, and other 61256  
dual-credit programs, and strategic partnerships with research 61257  
institutions to improve the quality of Central State University's 61258  
offering of science, technology, engineering, mathematics, and 61259  
medical instruction. In fiscal year 2009, the disbursement of 61260  
these funds shall be contingent upon Central State University 61261  
meeting the annual goals for the student enrollment and 61262  
first-to-second-year retention rate increases. 61263

There is hereby created the Speed to Scale Task Force that 61264  
shall meet not less than quarterly to discuss progress of the 61265  
plan, including performance on accountability metrics, issues 61266  
experienced in planned efforts, and to monitor and support the 61267  
creation of partnerships with other state institutions of higher 61268  
education. The Task Force shall consist of the president of 61269  
Central State University or the president's designee, the 61270  
president of Sinclair Community College or the president's 61271  
designee, the president of Cincinnati State Technical and 61272  
Community College or the president's designee, the president of 61273  
Cuyahoga Community College or the president's designee, The Ohio 61274  
State University or the president's designee, the president of the 61275  
University of Cincinnati or the president's designee, one 61276  
representative from the Board of Regents, one member of the House 61277  
of Representatives appointed by the Speaker of the House of 61278  
Representatives, one member of the Senate appointed by the 61279  
President of the Senate, the Director of Budget and Management or 61280  
the director's designee, and a representative of the Governor's 61281

Office as appointed by the Governor. 61282

On the thirtieth day of June of each fiscal year, Central 61283  
State University and the Speed to Scale Task Force shall jointly 61284  
submit to the Governor, the Director of Budget and Management, the 61285  
Speaker of the House of Representatives, the President of the 61286  
Senate, and the Board of Regents a report describing the status of 61287  
their progress on the accountability metrics included in the Speed 61288  
to Scale plan. 61289

**Section 375.60.91. CHOOSE OHIO FIRST SCHOLARSHIP 61290**

It is the intent of the House of Representatives to work with 61291  
the Senate and the Governor to design the criteria for the Choose 61292  
Ohio First Scholarship to promote the pursuit of STEM degrees. 61293

**Section 375.70.10. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 61294**

The foregoing appropriation item 235-572, The Ohio State 61295  
University Clinic Support, shall be distributed through the Board 61296  
of Regents to The Ohio State University for support of dental and 61297  
veterinary medicine clinics. 61298

**Section 375.70.20. URBAN UNIVERSITY PROGRAM 61299**

Universities receiving funds from the foregoing appropriation 61300  
item 235-583, Urban University Program, that are used to support 61301  
an ongoing university unit shall certify periodically in a manner 61302  
approved by the Board of Regents that program funds are being 61303  
matched on a one-to-one basis with equivalent resources. Overhead 61304  
support may not be used to meet this requirement. Where Urban 61305  
University Program funds are being used to support an ongoing 61306  
university unit, matching funds shall come from continuing rather 61307  
than one-time sources. At each participating state-assisted 61308  
institution of higher education, matching funds shall be within 61309  
the substantial control of the individual designated by the 61310

institution's president as the Urban University Program 61311  
representative. 61312

Of the foregoing appropriation item 235-583, Urban University 61313  
Program, \$117,215 in each fiscal year shall be used to support the 61314  
Center for the Interdisciplinary Study of Education and the Urban 61315  
Child at Cleveland State University. These funds shall be 61316  
distributed according to rules adopted by the Board of Regents and 61317  
shall be used by the center for interdisciplinary activities 61318  
targeted toward increasing the chance of lifetime success of the 61319  
urban child, including interventions beginning with the prenatal 61320  
period. The primary purpose of the center is to study issues in 61321  
urban education and to systematically map directions for new 61322  
approaches and new solutions by bringing together a cadre of 61323  
researchers, scholars, and professionals representing the social, 61324  
behavioral, education, and health disciplines. 61325

Of the foregoing appropriation item 235-583, Urban University 61326  
Program, \$1,433,037 in each fiscal year shall be distributed by 61327  
the Board of Regents to Cleveland State University in support of 61328  
the Maxine Goodman Levin College of Urban Affairs. 61329

Of the foregoing appropriation item 235-583, Urban University 61330  
Program, \$1,433,037 in each fiscal year shall be distributed to 61331  
the Northeast Ohio Research Consortium, the Urban Linkages 61332  
Program, and the Urban Research Technical Assistance Grant 61333  
Program. The distribution among the three programs shall be 61334  
determined by the chair of the Urban University Program. 61335

Of the foregoing appropriation item 235-583, Urban University 61336  
Program, \$247,453 in each fiscal year shall be used to support a 61337  
public communication outreach program (WCPN). The primary purpose 61338  
of the program shall be to develop a relationship between 61339  
Cleveland State University and nonprofit communications entities. 61340

Of the foregoing appropriation item 235-583, Urban University 61341

Program, \$169,310 in each fiscal year shall be used to support the 61342  
Kent State University Learning and Technology Project. This 61343  
project is a kindergarten through university collaboration between 61344  
schools surrounding Kent State University's eight campuses in 61345  
northeast Ohio and corporate partners who will assist in 61346  
development and delivery. 61347

The Kent State University Project shall provide a faculty 61348  
member who has a full-time role in the development of 61349  
collaborative activities and teacher instructional programming 61350  
between Kent State University and the K-12th grade schools that 61351  
surround its eight campuses; appropriate student support staff to 61352  
facilitate these programs and joint activities; and hardware and 61353  
software to schools that will make possible the delivery of 61354  
instruction to pre-service and in-service teachers, and their 61355  
students, in their own classrooms or school buildings. This shall 61356  
involve the delivery of low-bandwidth streaming video and 61357  
web-based technologies in a distributed instructional model. 61358

Of the foregoing appropriation item 235-583, Urban University 61359  
Program, \$65,119 in each fiscal year shall be used to support the 61360  
Ameritech Classroom/Center for Research at Kent State University. 61361

Of the foregoing appropriation item 235-583, Urban University 61362  
Program, \$723,547 in each fiscal year shall be used to support the 61363  
Polymer Distance Learning Project at the University of Akron. 61364

Of the foregoing appropriation item 235-583, Urban University 61365  
Program, \$32,560 in each fiscal year shall be distributed to the 61366  
Kent State University/Cleveland Design Center program. 61367

Of the foregoing appropriation item 235-583, Urban University 61368  
Program, \$180,886 in each fiscal year shall be used to support the 61369  
Bliss Institute of Applied Politics at the University of Akron. 61370

Of the foregoing appropriation item 235-583, Urban University 61371  
Program, \$10,851 in each fiscal year shall be used for the 61372

Advancing-Up Program at the University of Akron. 61373

Of the foregoing appropriation item 235-583, Urban University 61374  
Program, \$139,777 in each fiscal year shall be used to support the 61375  
Strategic Economic Research Collaborative at the University of 61376  
Toledo Urban Affairs Center. 61377

Of the foregoing appropriation item 235-583, Urban University 61378  
Program, \$139,777 in each fiscal year shall be used to support the 61379  
Institute for Collaborative Research and Public Humanities at The 61380  
Ohio State University. 61381

Of the foregoing appropriation item 235-583, Urban University 61382  
Program, \$300,368 in each fiscal year shall be used to support the 61383  
Medina County University Center. 61384

Of the foregoing appropriation item 235-583, Urban University 61385  
Program, \$150,000 in each fiscal year shall be used to support the 61386  
Ohio State University African American and African Studies 61387  
Community Extension Center. 61388

**Section 375.70.30. RURAL UNIVERSITY PROJECTS** 61389

Of the foregoing appropriation item 235-587, Rural University 61390  
Projects, Bowling Green State University shall receive \$263,783 in 61391  
each fiscal year, Miami University shall receive \$145,320 in each 61392  
fiscal year, and Ohio University shall receive \$575,015 in each 61393  
fiscal year. These funds shall be used to support the Institute 61394  
for Local Government Administration and Rural Development at Ohio 61395  
University, the Center for Public Management and Regional Affairs 61396  
at Miami University, and the Center for Regional Development at 61397  
Bowling Green State University. 61398

A small portion of the funds provided to Ohio University 61399  
shall also be used for the Institute for Local Government 61400  
Administration and Rural Development State and Rural Policy 61401  
Partnership with the Governor's Office of Appalachia and the 61402

Appalachian delegation of the General Assembly. 61403

Of the foregoing appropriation item 235-587, Rural University 61404  
Projects, \$15,942 in each fiscal year shall be used to support the 61405  
Washington State Community College day care center. 61406

Of the foregoing appropriation item 235-587, Rural University 61407  
Projects, \$47,829 in each fiscal year shall be used to support the 61408  
COAD/ILGARD/GOA Appalachian Leadership Initiative. 61409

**Section 375.70.40. HAZARDOUS MATERIALS PROGRAM 61410**

The foregoing appropriation item 235-596, Hazardous Materials 61411  
Program, shall be disbursed to Cleveland State University for the 61412  
operation of a program to certify firefighters for the handling of 61413  
hazardous materials. Training shall be available to all Ohio 61414  
firefighters. 61415

Of the foregoing appropriation item 235-596, Hazardous 61416  
Materials Program, \$177,337 in each fiscal year shall be used to 61417  
support the Center for the Interdisciplinary Study of Education 61418  
and Leadership in Public Service at Cleveland State University. 61419  
These funds shall be distributed by the Board of Regents and shall 61420  
be used by the center targeted toward increasing the role of 61421  
special populations in public service and not-for-profit 61422  
organizations. The primary purpose of the center is to study 61423  
issues in public service and to guide strategies for attracting 61424  
new communities into public service occupations by bringing 61425  
together a cadre of researchers, scholars, and professionals 61426  
representing the public administration, social behavioral, and 61427  
education disciplines. 61428

**Section 375.70.50. NATIONAL GUARD SCHOLARSHIP PROGRAM 61429**

The Board of Regents shall disburse funds from appropriation 61430  
item 235-599, National Guard Scholarship Program, at the direction 61431  
of the Adjutant General. During each fiscal year, the Board of 61432

Regents, within ten days of cancellation, may certify to the 61433  
Director of Budget and Management the amount of canceled 61434  
prior-year encumbrances in appropriation item 235-599, National 61435  
Guard Scholarship Program. Upon receipt of the certification, the 61436  
Director of Budget and Management may transfer an amount up to the 61437  
certified amount from the General Revenue Fund to the National 61438  
Guard Scholarship Reserve Fund (Fund 5BM). Upon the request of the 61439  
Adjutant General, the Board of Regents shall seek Controlling 61440  
Board approval to establish appropriations in item 235-623, 61441  
National Guard Scholarship Reserve Fund. The Board of Regents 61442  
shall disburse funds from appropriation item 235-623, National 61443  
Guard Scholarship Reserve Fund, at the direction of the Adjutant 61444  
General. 61445

**\*Section 375.70.60. PLEDGE OF FEES** 61446

Any new pledge of fees, or new agreement for adjustment of 61447  
fees, made in the biennium ending June 30, 2009, to secure bonds 61448  
or notes of a state-assisted institution of higher education for a 61449  
project for which bonds or notes were not outstanding on the 61450  
effective date of this section shall be effective only after 61451  
approval by the Board of Regents, unless approved in a previous 61452  
biennium. 61453

**Section 375.70.70. HIGHER EDUCATION GENERAL OBLIGATION DEBT 61454  
SERVICE** 61455

The foregoing appropriation item 235-909, Higher Education 61456  
General Obligation Debt Service, shall be used to pay all debt 61457  
service and related financing costs at the times they are required 61458  
to be made for obligations issued during the period from July 1, 61459  
2007, to June 30, 2009, under sections 151.01 and 151.04 of the 61460  
Revised Code. 61461

**Section 375.70.80. SALES AND SERVICES** 61462

The Board of Regents is authorized to charge and accept 61463  
payment for the provision of goods and services. Such charges 61464  
shall be reasonably related to the cost of producing the goods and 61465  
services. No charges may be levied for goods or services that are 61466  
produced as part of the routine responsibilities or duties of the 61467  
Board. All revenues received by the Board of Regents shall be 61468  
deposited into Fund 456, and may be used by the Board of Regents 61469  
to pay for the costs of producing the goods and services. 61470

**Section 375.70.90. OHIO HIGHER EDUCATIONAL FACILITY 61471**  
COMMISSION SUPPORT 61472

The foregoing appropriation item 235-602, Higher Educational 61473  
Facility Commission Administration, shall be used by the Board of 61474  
Regents for operating expenses related to the Board of Regents' 61475  
support of the activities of the Ohio Higher Educational Facility 61476  
Commission. Upon the request of the chancellor, the Director of 61477  
Budget and Management shall transfer up to \$50,000 cash in fiscal 61478  
year 2008 and up to \$45,000 cash in fiscal year 2009 from Fund 461 61479  
to Fund 4E8. 61480

**Section 375.80.10. PHYSICIAN LOAN REPAYMENT 61481**

The foregoing appropriation item 235-604, Physician Loan 61482  
Repayment, shall be used in accordance with sections 3702.71 to 61483  
3702.81 of the Revised Code. 61484

**Section 375.80.20. NURSING LOAN PROGRAM 61485**

The foregoing appropriation item 235-606, Nursing Loan 61486  
Program, shall be used to administer the nurse education 61487  
assistance program. Up to \$159,600 in fiscal year 2008 and 61488  
\$167,580 in fiscal year 2009 may be used for operating expenses 61489  
associated with the program. Any additional funds needed for the 61490  
administration of the program are subject to Controlling Board 61491



approval. 61492

**Section 375.80.30. REPAYMENT OF RESEARCH FACILITY INVESTMENT** 61493  
FUND MONEYS 61494

Notwithstanding any provision of law to the contrary, all 61495  
repayments of Research Facility Investment Fund loans shall be 61496  
made to the Bond Service Trust Fund. All Research Facility 61497  
Investment Fund loan repayments made prior to the effective date 61498  
of this section shall be transferred by the Director of Budget and 61499  
Management to the Bond Service Trust Fund within sixty days after 61500  
the effective date of this section. 61501

Campuses shall make timely repayments of Research Facility 61502  
Investment Fund loans, according to the schedule established by 61503  
the Board of Regents. In the case of late payments, the Board of 61504  
Regents may deduct from an institution's periodic subsidy 61505  
distribution an amount equal to the amount of the overdue payment 61506  
for that institution, transfer such amount to the Bond Service 61507  
Trust Fund, and credit the appropriate institution for the 61508  
repayment. 61509

**Section 375.80.40. VETERANS' PREFERENCES** 61510

The Board of Regents shall work with the Governor's Office of 61511  
Veterans' Affairs to develop specific veterans' preference 61512  
guidelines for higher education institutions. These guidelines 61513  
shall ensure that the institutions' hiring practices are in 61514  
accordance with the intent of Ohio's veterans' preference laws. 61515

**Section 375.80.50. STATE NEED-BASED FINANCIAL AID** 61516  
RECONCILIATION 61517

By the first day of August in each fiscal year, or as soon 61518  
thereafter as possible, the Ohio Board of Regents shall certify to 61519  
the Director of Budget and Management the amount necessary to pay 61520

any outstanding prior year obligations to higher education 61521  
institutions for the state's need-based financial aid programs. 61522  
The amounts certified are hereby appropriated to appropriation 61523  
item 235-618, State Need-based Financial Aid Reconciliation, from 61524  
revenues received in the State Need-based Financial Aid 61525  
Reconciliation Fund (Fund 5Y5). 61526

**Section 375.80.60. TRANSFERS TO STATE NEED-BASED FINANCIAL 61527**  
AID PROGRAMS 61528

In each fiscal year of the biennium, if the Chancellor of the 61529  
Board of Regents determines that additional funds are needed to 61530  
support the distribution of state need-based financial aid in 61531  
accordance with sections 3333.12 and 3333.122 of the Revised Code, 61532  
the Chancellor shall recommend the reallocation of unencumbered 61533  
and unobligated appropriation balances of General Revenue Fund 61534  
appropriation items in the Board of Regents to GRF appropriation 61535  
items 235-503, Ohio Instructional Grants, and 235-563, Ohio 61536  
College Opportunity Grant. If the Director of Budget and 61537  
Management determines that such a reallocation is required, the 61538  
Director may transfer those identified unencumbered and 61539  
unobligated funds in the Board of Regents as necessary to GRF 61540  
appropriation items 235-503, Ohio Instructional Grants, and 61541  
235-563, Ohio College Opportunity Grant. The amounts transferred 61542  
to appropriation items 235-503, Ohio Instructional Grants, and 61543  
235-563, Ohio College Opportunity Grant, are hereby appropriated. 61544  
If those unencumbered and unobligated funds are not sufficient to 61545  
support the distribution of state need-based financial aid in 61546  
accordance with sections 3333.12 and 3333.122 of the Revised Code 61547  
in each fiscal year, the Director of Budget and Management may 61548  
increase the appropriation from the General Revenue Fund of 61549  
appropriation items 235-503, Ohio Instructional Grants, and 61550  
235-563, Ohio College Opportunity Grant, in each fiscal year. The 61551  
combined increase to appropriation items 235-503, Ohio 61552

Instructional Grants, and 235-563, Ohio College Opportunity Grant, 61553  
 authorized under this section shall not exceed \$5,000,000 in total 61554  
 for the purpose of need-based financial aid in each fiscal year of 61555  
 the biennium. 61556

**Section 377.10.** DRC DEPARTMENT OF REHABILITATION AND 61557  
 CORRECTION 61558

General Revenue Fund 61559

GRF 501-321 Institutional \$ 892,162,864 \$ 928,980,197 61560  
 Operations

GRF 501-403 Prisoner Compensation \$ 8,599,255 \$ 8,599,255 61561

GRF 501-405 Halfway House \$ 41,214,205 \$ 41,214,205 61562

GRF 501-406 Lease Rental Payments \$ 106,531,029 \$ 105,948,153 61563

GRF 501-407 Community \$ 16,514,626 \$ 16,547,367 61564  
 Nonresidential

Programs

GRF 501-408 Community Misdemeanor \$ 9,313,076 \$ 9,313,076 61565  
 Programs

GRF 501-501 Community Residential \$ 57,104,132 \$ 57,104,132 61566  
 Programs - CBCF

GRF 502-321 Mental Health Services \$ 75,112,063 \$ 78,405,363 61567

GRF 503-321 Parole and Community \$ 79,296,672 \$ 82,739,767 61568  
 Operations

GRF 504-321 Administrative \$ 27,599,198 \$ 28,703,273 61569  
 Operations

GRF 505-321 Institution Medical \$ 199,073,620 \$ 198,337,805 61570  
 Services

GRF 506-321 Institution Education \$ 23,784,868 \$ 24,847,502 61571  
 Services

GRF 507-321 Institution Recovery \$ 7,319,028 \$ 7,664,520 61572  
 Services

TOTAL GRF General Revenue Fund \$ 1,543,624,636 \$ 1,588,404,615 61573

General Services Fund Group 61574

148	501-602	Services and Agricultural	\$	104,485,807	\$	108,290,058	61575
200	501-607	Ohio Penal Industries	\$	39,395,391	\$	40,845,414	61576
4B0	501-601	Sewer Treatment Services	\$	2,331,003	\$	2,407,018	61577
4D4	501-603	Prisoner Programs	\$	20,967,703	\$	20,967,703	61578
4L4	501-604	Transitional Control	\$	2,051,451	\$	2,051,451	61579
4S5	501-608	Education Services	\$	4,564,072	\$	4,564,072	61580
483	501-605	Property Receipts	\$	393,491	\$	393,491	61581
5AF	501-609	State and Non-Federal Awards	\$	262,718	\$	262,718	61582
5H8	501-617	Offender Financial Responsibility	\$	2,500,000	\$	2,500,000	61583
5L6	501-611	Information Technology Services	\$	3,741,980	\$	3,741,980	61584
571	501-606	Training Academy Receipts	\$	75,190	\$	75,190	61585
593	501-618	Laboratory Services	\$	5,799,999	\$	5,799,999	61586
TOTAL GSF General Services Fund Group			\$	186,568,805	\$	191,899,094	61587
Federal Special Revenue Fund Group							61588
3S1	501-615	Truth-In-Sentencing Grants	\$	8,709,142	\$	8,709,142	61589
323	501-619	Federal Grants	\$	12,198,353	\$	12,198,353	61590
3CJ	501-621	Medicaid Inpatient Services	\$	11,600,000	\$	15,500,000	61591
TOTAL FED Federal Special Revenue Fund Group							61592
			\$	32,507,495	\$	36,407,495	61593
TOTAL ALL BUDGET FUND GROUPS			\$	1,762,700,936	\$	1,816,711,204	61594
OHIO BUILDING AUTHORITY LEASE PAYMENTS							61595
The foregoing appropriation item 501-406, Lease Rental							61596
Payments, shall be used to meet all payments during the period							61597

from July 1, 2007, to June 30, 2009, under the primary leases and 61598  
agreements for those buildings made under Chapter 152. of the 61599  
Revised Code. These appropriations are the source of funds pledged 61600  
for bond service charges or obligations issued pursuant to Chapter 61601  
152. of the Revised Code. 61602

PRISONER COMPENSATION 61603

Money from the foregoing appropriation item 501-403, Prisoner 61604  
Compensation, shall be transferred on a quarterly basis by 61605  
intrastate transfer voucher to the Services and Agricultural Fund 61606  
(Fund 148) for the purposes of paying prisoner compensation. 61607

HIV/AIDS TESTING REENTRY PILOT PROGRAM 61608

Of the foregoing appropriation item 505-321, Institution 61609  
Medical Services, up to \$250,000 in each fiscal year shall be used 61610  
for the HIV/AIDS testing re-entry pilot program at the Mansfield 61611  
Correctional Institution. Prior to a prisoner's release from 61612  
custody at the Mansfield Correctional Institution under the 61613  
control of the Department of Rehabilitation and Correction, the 61614  
department shall examine and test a prisoner for HIV infection and 61615  
any sexually transmitted disease. The department may examine and 61616  
test involuntarily a prisoner who refuses to be tested. 61617

**Section 379.10.** RSC REHABILITATION SERVICES COMMISSION 61618

General Revenue Fund 61619

GRF 415-100 Personal Services \$ 8,851,468 \$ 8,851,468 61620

GRF 415-402 Independent Living \$ 400,000 \$ 400,000 61621

Council

GRF 415-406 Assistive Technology \$ 47,531 \$ 47,531 61622

GRF 415-431 Office for People with \$ 226,012 \$ 226,012 61623

Brain Injury

GRF 415-506 Services for People \$ 15,059,541 \$ 15,059,541 61624

with Disabilities

GRF 415-508	Services for the Deaf	\$	50,000	\$	50,000	61625
TOTAL GRF	General Revenue Fund	\$	24,634,552	\$	24,634,552	61626
General Services Fund Group						61627
4W5 415-606	Program Management	\$	18,123,188	\$	18,557,040	61628
Expenses						
467 415-609	Business Enterprise	\$	1,632,082	\$	1,632,082	61629
Operating Expenses						
TOTAL GSF	General Services					61630
Fund Group		\$	19,755,270	\$	20,189,122	61631
Federal Special Revenue Fund Group						61632
3L1 415-601	Social Security	\$	3,743,740	\$	3,743,740	61633
Personal Care						
Assistance						
3L1 415-608	Social Security	\$	2,256,260	\$	2,256,260	61634
Vocational						
Rehabilitation						
3L4 415-612	Federal Independent	\$	648,908	\$	648,908	61635
Living Centers or						
Services						
3L4 415-615	Federal - Supported	\$	884,451	\$	796,006	61636
Employment						
3L4 415-617	Independent	\$	1,490,944	\$	1,490,944	61637
Living/Vocational						
Rehabilitation						
Programs						
317 415-620	Disability	\$	82,808,006	\$	87,546,215	61638
Determination						
379 415-616	Federal - Vocational	\$	122,484,545	\$	123,638,578	61639
Rehabilitation						
TOTAL FED	Federal Special					61640
Revenue Fund Group		\$	214,316,854	\$	220,120,651	61641
State Special Revenue Fund Group						61642

4L1 415-619	Services for	\$	3,765,337	\$	4,500,000	61643
	Rehabilitation					
468 415-618	Third Party Funding	\$	906,910	\$	906,910	61644
TOTAL SSR State Special						61645
Revenue Fund Group		\$	4,672,247	\$	5,406,910	61646
TOTAL ALL BUDGET FUND GROUPS		\$	263,378,923	\$	270,351,235	61647

INDEPENDENT LIVING COUNCIL 61648

The foregoing appropriation item 415-402, Independent Living 61649  
 Council, shall be used to fund the operations of the State 61650  
 Independent Living Council and shall be used to support state 61651  
 independent living centers and independent living services under 61652  
 Title VII of the Independent Living Services and Centers for 61653  
 Independent Living of the Rehabilitation Act Amendments of 1992, 61654  
 106 Stat. 4344, 29 U.S.C. 796d. 61655

OFFICE FOR PEOPLE WITH BRAIN INJURY 61656

Of the foregoing appropriation item 415-431, Office for 61657  
 People with Brain Injury, up to \$50,000 in each fiscal year shall 61658  
 be used for the state match for a federal grant awarded through 61659  
 the Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to 61660  
 \$50,000 in each fiscal year shall be provided to the Brain Injury 61661  
 Trust Fund. The remaining appropriation shall be used to plan and 61662  
 coordinate head-injury-related services provided by state agencies 61663  
 and other government or private entities, to assess the needs for 61664  
 such services, and to set priorities in this area. 61665

VOCATIONAL REHABILITATION SERVICES 61666

The foregoing appropriation item 415-506, Services for People 61667  
 with Disabilities, shall be used as state matching funds to 61668  
 provide vocational rehabilitation services to eligible consumers. 61669

PROGRAM MANAGEMENT EXPENSES 61670

The foregoing appropriation item 415-606, Program Management 61671  
 Expenses, shall be used to support the administrative functions of 61672

the commission related to the provision of vocational 61673  
rehabilitation, disability determination services, and ancillary 61674  
programs. 61675

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 61676

The foregoing appropriation item 415-617, Independent 61677  
Living/Vocational Rehabilitation Programs, shall be used to 61678  
support vocational rehabilitation programs. 61679

SOCIAL SECURITY REIMBURSEMENT FUNDS 61680

Reimbursement funds received from the Social Security 61681  
Administration, United States Department of Health and Human 61682  
Services, for the costs of providing services and training to 61683  
return disability recipients to gainful employment shall be used 61684  
in the Social Security Reimbursement Fund (Fund 3L1), to the 61685  
extent funds are available, as follows: 61686

(A) Appropriation item 415-601, Social Security Personal Care 61687  
Assistance, to provide personal care services in accordance with 61688  
section 3304.41 of the Revised Code; 61689

(B) Appropriation item 415-608, Social Security Vocational 61690  
Rehabilitation, to provide vocational rehabilitation services to 61691  
individuals with severe disabilities who are Social Security 61692  
beneficiaries, to enable them to achieve competitive employment. 61693  
This appropriation item also includes funds to assist the Personal 61694  
Care Assistance Program to pay its share of indirect costs as 61695  
mandated by federal OMB Circular A-87. 61696

PERFORMANCE REVIEW 61697

The Auditor of State shall complete a performance review of 61698  
the Rehabilitation Services Commission. Upon completing the 61699  
performance review, the Auditor of State shall submit a report of 61700  
the findings of the review to the Governor, the President of the 61701  
Senate, the Speaker of the House of Representatives, and the Board 61702



of Rehabilitation Services Commission.				61703
<b>Section 381.10. RCB RESPIRATORY CARE BOARD</b>				61704
General Services Fund Group				61705
4K9 872-609 Operating Expenses	\$	491,628	\$ 481,768	61706
TOTAL GSF General Services				61707
Fund Group	\$	491,628	\$ 481,768	61708
TOTAL ALL BUDGET FUND GROUPS	\$	491,628	\$ 481,768	61709
<b>Section 383.10. RDF REVENUE DISTRIBUTION FUNDS</b>				61711
Volunteer Firefighters' Dependents Fund				61712
085 800-900 Volunteer	\$	300,000	\$ 300,000	61713
Firefighters'				
Dependents Fund				
TOTAL 085 Volunteer Firefighters'				61714
Dependents Fund	\$	300,000	\$ 300,000	61715
Agency Fund Group				61716
062 110-962 Resort Area Excise Tax	\$	1,000,000	\$ 1,000,000	61717
063 110-963 Permissive Tax	\$	1,778,662,000	\$ 1,849,000,000	61718
Distribution				
067 110-967 School District Income	\$	325,000,000	\$ 350,000,000	61719
Tax				
4P8 001-698 Cash Management	\$	3,050,000	\$ 3,100,000	61720
Improvement Fund				
608 001-699 Investment Earnings	\$	250,000,000	\$ 250,000,000	61721
TOTAL AGY Agency Fund Group	\$	2,357,712,000	\$ 2,453,100,000	61722
Holding Account Redistribution				61723
R45 110-617 International Fuel Tax	\$	50,000,000	\$ 50,000,000	61724
Distribution				
TOTAL 090 Holding Account	\$	50,000,000	\$ 50,000,000	61725
Redistribution Fund				
Revenue Distribution Fund Group				61726

049	038-900	Indigent Drivers Alcohol Treatment	\$ 1,797,000	\$ 1,832,000	61727
050	762-900	International Registration Plan Distribution	\$ 54,475,631	\$ 55,565,143	61728
051	762-901	Auto Registration Distribution	\$ 500,000,000	\$ 539,000,000	61729
054	110-954	Local Government Property Tax Replacement - Utility	\$ 93,250,000	\$ 95,125,000	61730
060	110-960	Gasoline Excise Tax Fund	\$ 375,000,000	\$ 375,000,000	61731
064	110-964	Local Government Revenue Assistance	\$ 42,400,000	\$ 0	61732
065	110-965	Library/Local Government Support Fund	\$ 207,200,000	\$ 0	61733
066	800-900	Undivided Liquor Permits	\$ 13,500,000	\$ 13,500,000	61734
068	110-968	State and Local Government Highway Distribution	\$ 240,250,000	\$ 242,500,000	61735
069	110-969	Local Government Fund	\$ 298,700,000	\$ 0	61736
081	110-981	Local Government Property Tax Replacement-Business	\$ 262,500,000	\$ 366,800,000	61737
082	110-982	Horse Racing Tax	\$ 125,000	\$ 130,000	61738
083	700-900	Ohio Fairs Fund	\$ 2,277,000	\$ 2,325,000	61739
088	110-900	Local Government Services Collaboration	\$ 1,000,000	\$ 0	61740
091	110-991	Local Communities	\$ 430,600,000	\$ 782,800,000	61741
092	110-992	Local Libraries	\$ 251,700,000	\$ 462,800,000	61742
TOTAL RDF Revenue Distribution					61743

Fund Group	\$ 2,774,774,631	\$ 2,937,377,143	61744
TOTAL ALL BUDGET FUND GROUPS	\$ 5,182,786,631	\$ 5,440,777,143	61745

ADDITIONAL APPROPRIATIONS 61746

Appropriation items in this section shall be used for the 61747  
purpose of administering and distributing the designated revenue 61748  
distribution funds according to the Revised Code. If it is 61749  
determined that additional appropriations are necessary for this 61750  
purpose, such amounts are appropriated. 61751

GENERAL REVENUE FUND TRANSFERS TO LOCAL GOVERNMENT PROPERTY 61752  
TAX REPLACEMENT - BUSINESS (FUND 081) 61753

Notwithstanding any provision of law to the contrary, in 61754  
fiscal year 2008 and fiscal year 2009, the Director of Budget and 61755  
Management may transfer from the General Revenue Fund to the Local 61756  
Government Property Tax Replacement - Business (Fund 081) in the 61757  
Revenue Distribution Fund, those amounts necessary to reimburse 61758  
local taxing units under section 5751.22 of the Revised Code. 61759  
Also, in fiscal year 2008 and fiscal year 2009, the Director of 61760  
Budget and Management may make temporary transfers from the 61761  
General Revenue Fund to ensure sufficient balances in the Local 61762  
Government Property Tax Replacement - Business Fund (Fund 081) and 61763  
to replenish the General Revenue Fund for such transfers. 61764

**Section 383.20.** LOCAL GOVERNMENT SERVICES COLLABORATION GRANT 61765  
PROGRAM 61766

(A) The Director of Development shall administer a Local 61767  
Government Services Collaboration Grant Program. The Director may 61768  
adopt rules under section 111.15 of the Revised Code and do all 61769  
things necessary for that purpose. 61770

(B) There is hereby created in the State Treasury the Local 61771  
Government Services Collaboration Grant Fund (Fund 088). The fund 61772  
shall consist of all cash deposited into it pursuant to Section 61773

757.03 of this act. The fund shall be used by the Director of 61774  
Development in administering the Local Government Services 61775  
Collaboration Grant Program. 61776

(C) The foregoing appropriation item 110-900, Local 61777  
Government Services Collaboration, shall be used by the Director 61778  
of Development to administer the Local Government Services 61779  
Collaboration Grant Program. Moneys shall be used to provide 61780  
grants to counties, municipal corporations, and townships that are 61781  
interested in combining the provision of local government services 61782  
with those of other counties, municipal corporations, or 61783  
townships. Individual grant awards shall be used solely for the 61784  
cost of conducting a feasibility study that addresses whether, and 61785  
in what manner, counties, municipal corporations, and townships 61786  
may combine their respective provision of local government 61787  
services. 61788

Individual grants shall be available on a competitive basis 61789  
to a county, municipal corporation, or township that proposes to 61790  
combine its provision of local government services with those of 61791  
at least two other counties, municipal corporations, or townships, 61792  
or with any combination of at least two other counties, municipal 61793  
corporations, or townships. Grants shall be awarded according to 61794  
the following formula: 61795

(1) For a total of, or for any combination of, three 61796  
counties, municipal corporations, or townships, the grant shall be 61797  
equal to fifty per cent of the total cost of the feasibility 61798  
study, or not more than \$30,000; 61799

(2) For a total of, or for any combination of, four counties, 61800  
municipal corporations, or townships, the grant shall be equal to 61801  
sixty per cent of the total cost of the feasibility study, or not 61802  
more than \$40,000; 61803

(3) For a total of, or for any combination of, five counties, 61804

municipal corporations, or townships, the grant shall be equal to 61805  
seventy per cent of the total cost of the feasibility study, or 61806  
not more than \$50,000; 61807

(4) For a total of, or for any combination of, six counties, 61808  
municipal corporations, or townships, the grant shall be equal to 61809  
eighty per cent of the total cost of the feasibility study, or not 61810  
more than \$60,000; 61811

(5) For a total of, or for any combination of, seven 61812  
counties, municipal corporations, or townships, the grant shall be 61813  
equal to ninety per cent of the total cost of the feasibility 61814  
study, or not more than \$70,000; 61815

(6) For a total of, or for any combination of, eight or more 61816  
counties, municipal corporations, or townships, the grant shall be 61817  
equal to the total cost of the feasibility study, or not more than 61818  
\$80,000. 61819

(D) Of the foregoing appropriation 110-900, Local Government 61820  
Services Collaboration, not more than \$100,000 over the biennium 61821  
may be used by the Department of Development for operating 61822  
expenditures in administering the Local Government Services 61823  
Collaboration Grant Program. 61824

(E) Applicants for funding under the Local Government 61825  
Services Collaboration Grant Program are encouraged to utilize the 61826  
services of state-funded colleges and universities to conduct the 61827  
feasibility studies referenced under this section. 61828

(F) As used in this section, "local government services" 61829  
means services typically provided by a county, municipal 61830  
corporation, or township for the health, safety, and well-being of 61831  
community residents and includes, but is not limited to, police 61832  
and fire protection, 9-1-1 emergency service, trash collection, 61833  
snow removal, road repair, and the provision of public utilities 61834  
such as water and sewer services. 61835

(G) On or before June 30, 2008, the unencumbered balance of 61836  
the foregoing appropriation item 110-900, Local Government 61837  
Services Collaboration, for fiscal year 2008 is hereby 61838  
appropriated for the same purpose for fiscal year 2009. 61839

**Section 385.10.** SAN BOARD OF SANITARIAN REGISTRATION 61840

General Services Fund Group 61841  
4K9 893-609 Operating Expenses \$ 138,551 \$ 138,551 61842  
TOTAL GSF General Services 61843  
Fund Group \$ 138,551 \$ 138,551 61844  
TOTAL ALL BUDGET FUND GROUPS \$ 138,551 \$ 138,551 61845

**Section 387.10.** OSB OHIO STATE SCHOOL FOR THE BLIND 61847

General Revenue Fund 61848  
GRF 226-100 Personal Services \$ 7,093,127 \$ 7,519,318 61849  
GRF 226-200 Maintenance \$ 704,154 \$ 704,154 61850  
GRF 226-300 Equipment \$ 113,288 \$ 113,288 61851  
TOTAL GRF General Revenue Fund \$ 7,910,569 \$ 8,336,760 61852  
General Services Fund Group 61853  
4H8 226-602 School Improvement \$ 37,514 \$ 37,514 61854  
Grants  
TOTAL GSF General Services 61855  
Fund Group \$ 37,514 \$ 37,514 61856  
Federal Special Revenue Fund Group 61857  
3P5 226-643 Medicaid Services \$ 50,000 \$ 50,000 61858  
Reimbursement  
310 226-626 Multi-Handicapped \$ 2,527,105 \$ 2,527,105 61859  
Student Support  
TOTAL FED Federal Special 61860  
Revenue Fund Group \$ 2,577,105 \$ 2,577,105 61861  
State Special Revenue Fund Group 61862

4M5 226-601 Work Study and	\$	217,397	\$	217,397	61863
Donations					
TOTAL SSR State Special Revenue					61864
Fund Group	\$	217,397	\$	217,397	61865
TOTAL ALL BUDGET FUND GROUPS	\$	10,742,585	\$	11,168,776	61866
<b>Section 389.10.</b> OSD OHIO SCHOOL FOR THE DEAF					61868
General Revenue Fund					61869
GRF 221-100 Personal Services	\$	8,775,363	\$	9,263,862	61870
GRF 221-200 Maintenance	\$	1,033,092	\$	1,033,092	61871
GRF 221-300 Equipment	\$	222,500	\$	222,500	61872
TOTAL GRF General Revenue Fund	\$	10,030,955	\$	10,519,454	61873
General Services Fund Group					61874
4M1 221-602 School Improvement	\$	38,000	\$	38,000	61875
Grants					
TOTAL GSF General Services					61876
Fund Group	\$	38,000	\$	38,000	61877
Federal Special Revenue Fund Group					61878
3AD 221-604 VREAL Ohio	\$	25,000	\$	25,000	61879
3R0 221-684 Medicaid Services	\$	34,999	\$	34,999	61880
Reimbursement					61881
3Y1 221-686 Federal Early	\$	250,000	\$	250,000	61882
Childhood Grant					
311 221-625 Statewide Outreach	\$	2,470,135	\$	2,470,135	61883
TOTAL FED Federal Special					61884
Revenue Fund Group	\$	2,780,134	\$	2,780,134	61885
State Special Revenue Fund Group					61886
4M0 221-601 Work Study and	\$	95,000	\$	95,000	61887
Donations					
5H6 221-609 Preschool Program	\$	127,832	\$	125,358	61888
Support					
TOTAL SSR State Special Revenue					61889

Fund Group	\$	222,832	\$	220,358	61890
TOTAL ALL BUDGET FUND GROUPS	\$	13,071,921	\$	13,557,946	61891

**Section 391.10. SFC SCHOOL FACILITIES COMMISSION** 61893

General Revenue Fund 61894

GRF 230-428 Lease Rental Payments \$ 22,702,000 \$ 0 61895

GRF 230-908 Common Schools General \$ 270,529,980 \$ 322,665,885 61896

Obligation Debt

Service

TOTAL GRF General Revenue Fund \$ 293,231,980 \$ 322,665,885 61897

State Special Revenue Fund Group 61898

5E3 230-644 Operating Expenses \$ 7,749,813 \$ 7,786,197 61899

TOTAL SSR State Special Revenue 61900

Fund Group \$ 7,749,813 \$ 7,786,197 61901

TOTAL ALL BUDGET FUND GROUPS \$ 300,981,793 \$ 330,452,082 61902

**Section 391.20. LEASE RENTAL PAYMENTS** 61904

The foregoing appropriation item 230-428, Lease Rental 61905

Payments, shall be used to meet all payments at the times they are 61906

required to be made during the period from July 1, 2007, to June 61907

30, 2009, by the Ohio School Facilities Commission under leases 61908

and agreements made under section 3318.26 of the Revised Code. 61909

**COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE** 61910

The foregoing appropriation item 230-908, Common Schools 61911

General Obligation Debt Service, shall be used to pay all debt 61912

service and related financing costs at the times they are required 61913

to be made for obligations issued during the period from July 1, 61914

2007, through June 30, 2009, under sections 151.01 and 151.03 of 61915

the Revised Code. 61916

**OPERATING EXPENSES** 61917

The foregoing appropriation item 230-644, Operating Expenses, 61918



shall be used by the Ohio School Facilities Commission to carry out its responsibilities under this section and Chapter 3318. of the Revised Code.

In both fiscal years 2008 and 2009, the Executive Director of the Ohio School Facilities Commission shall certify on a quarterly basis to the Director of Budget and Management the amount of cash from interest earnings to be transferred from the School Building Assistance Fund (Fund 032), the Public School Building Fund (Fund 021), and the Educational Facilities Trust Fund (Fund N87) to the Ohio School Facilities Commission Fund (Fund 5E3). The amount transferred from the School Building Assistance Fund (Fund 032) may not exceed investment earnings credited to the fund, less any amount required to be paid for federal arbitrage rebate purposes.

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION

At the request of the Executive Director of the Ohio School Facilities Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within one year of receiving Controlling Board approval under section 3318.05 of the Revised Code. The Executive Director of the Ohio School Facilities Commission shall certify the amounts of the canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated.

**Section 391.30.** EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL FACILITIES

Notwithstanding any other provision of law to the contrary, the Ohio School Facilities Commission may provide assistance under the Exceptional Needs School Facilities Program established in section 3318.37 of the Revised Code to any school district, and not exclusively to a school district in the lowest seventy-five

per cent of adjusted valuation per pupil on the current ranking of 61950  
school districts established under section 3317.02 of the Revised 61951  
Code, for the purpose of the relocation or replacement of school 61952  
facilities required as a result of extreme environmental 61953  
contamination. 61954

The Ohio School Facilities Commission shall contract with an 61955  
independent environmental consultant to conduct a study and to 61956  
report to the commission as to the seriousness of the 61957  
environmental contamination, whether the contamination violates 61958  
applicable state and federal standards, and whether the facilities 61959  
are no longer suitable for use as school facilities. The 61960  
commission then shall make a determination regarding funding for 61961  
the relocation or replacement of the school facilities. If the 61962  
federal government or other public or private entity provides 61963  
funds for restitution of costs incurred by the state or school 61964  
district in the relocation or replacement of the school 61965  
facilities, the school district shall use such funds in excess of 61966  
the school district's share to refund the state for the state's 61967  
contribution to the environmental contamination portion of the 61968  
project. The school district may apply an amount of such 61969  
restitution funds up to an amount equal to the school district's 61970  
portion of the project, as defined by the commission, toward 61971  
paying its portion of that project to reduce the amount of bonds 61972  
the school district otherwise must issue to receive state 61973  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 61974

**Section 391.40. CANTON CITY SCHOOL DISTRICT PROJECT** 61975

(A) The Ohio School Facilities Commission may commit up to 61976  
thirty-five million dollars to the Canton City School District for 61977  
construction of a facility described in this section, in lieu of a 61978  
high school that would otherwise be authorized under Chapter 3318. 61979  
of the Revised Code. The Commission shall not commit funds under 61980

this section unless all of the following conditions are met: 61981

(1) The District has entered into a cooperative agreement 61982  
with a state-assisted technical college. 61983

(2) The District has received an irrevocable commitment of 61984  
additional funding from nonpublic sources. 61985

(3) The facility is intended to serve both secondary and 61986  
postsecondary instructional purposes. 61987

(B) The Commission shall enter into an agreement with the 61988  
District for the construction of the facility authorized under 61989  
this section that is separate from and in addition to the 61990  
agreement required for the District's participation in the 61991  
Classroom Facilities Assistance Program under section 3318.08 of 61992  
the Revised Code. Notwithstanding that section and sections 61993  
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 61994  
agreement shall provide, but not be limited to, the following: 61995

(1) The Commission shall not have any oversight 61996  
responsibilities over the construction of the facility. 61997

(2) The facility need not comply with the specifications for 61998  
plans and materials for high schools adopted by the Commission. 61999

(3) The Commission may decrease the basic project cost that 62000  
would otherwise be calculated for a high school under Chapter 62001  
3318. of the Revised Code. 62002

(4) The state shall not share in any increases in the basic 62003  
project cost for the facility above the amount authorized under 62004  
this section. 62005

All other provisions of Chapter 3318. of the Revised Code 62006  
apply to the approval and construction of a facility authorized 62007  
under this section. 62008

The state funds committed to the facility authorized by this 62009  
section shall be part of the total amount the state commits to the 62010

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 the Career-Technical School Building Assistance Fund (Fund 020).

All repayments of current loans approved under section 3318.48 of the Revised Code, which is repealed by this act, shall be deposited to the credit of the Public School Building Fund (Fund 021). Should a district fail to submit the annual installment of the loan repayment within sixty days after the due date, the Department of Education, upon the request of the Executive Director of the Ohio School Facilities Commission, shall deduct the amount of the installment from payments due to a district under Chapter 3317. of the Revised Code or from any other funds appropriated to the district by the General Assembly, and shall transfer that amount to the Commission to the credit of the Public School Building Fund (Fund 021).

**Section 393.10. SOS SECRETARY OF STATE**

General Revenue Fund					
GRF 050-321 Operating Expenses	\$	2,585,000	\$	2,585,000	
GRF 050-403 Election Statistics	\$	103,936	\$	103,936	
GRF 050-407 Pollworkers Training	\$	277,997	\$	277,997	
GRF 050-409 Litigation	\$	4,652	\$	4,652	

Expenditures					
TOTAL GRF General Revenue Fund	\$	2,971,585	\$	2,971,585	62041
General Services Fund Group					62042
4S8 050-610 Board of Voting	\$	7,200	\$	7,200	62043
Machine Examiners					
412 050-609 Notary Commission	\$	685,249	\$	685,249	62044
413 050-601 Information Systems	\$	119,955	\$	119,955	62045
414 050-602 Citizen Education Fund	\$	55,712	\$	55,712	62046
TOTAL General Services Fund Group	\$	868,116	\$	868,116	62047
Federal Special Revenue Fund Group					62048
3AH 050-614 Election Reform/Health and Human Services	\$	1,000,000	\$	1,000,000	62049
3AS 050-616 2005 HAVA Voting Machines	\$	3,750,000	\$	3,750,000	62050
3X4 050-612 Ohio Center/Law Related Educational Grant	\$	41,000	\$	41,000	62051
TOTAL FED Federal Special Revenue Fund Group	\$	4,791,000	\$	4,791,000	62052 62053
State Special Revenue Fund Group					62054
5N9 050-607 Technology Improvements	\$	129,565	\$	129,565	62055
599 050-603 Business Services Operating Expenses	\$	13,761,734	\$	13,761,734	62056
TOTAL SSR State Special Revenue Fund Group	\$	13,891,299	\$	13,891,299	62057 62058
Holding Account Redistribution Fund Group					62059
R01 050-605 Uniform Commercial Code Refunds	\$	30,000	\$	30,000	62060
R02 050-606 Corporate/Business Filing Refunds	\$	85,000	\$	85,000	62061
TOTAL 090 Holding Account					62062

Redistribution Fund Group	\$	115,000	\$	115,000	62063
TOTAL ALL BUDGET FUND GROUPS	\$	22,637,000	\$	22,637,000	62064

BOARD OF VOTING MACHINE EXAMINERS 62065

The foregoing appropriation item 050-610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund, which is created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting the equipment for examination. If it is determined that additional appropriations are necessary, such amounts are appropriated.

2005 HAVA VOTING MACHINES 62075

On July 1, 2008, or as soon as possible thereafter, the Director of Budget and Management shall transfer any remaining unexpended, unencumbered appropriations in Fund 3AS, appropriation item 050-616, 2005 HAVA Voting Machines, for use in fiscal year 2009. The transferred amount is hereby appropriated.

On July 1, 2008, or as soon as possible thereafter, the Director of Budget and Management shall transfer any remaining unexpended, unencumbered appropriations in Fund 3AH, appropriation item 050-614, Election Reform/Health and Human Services Fund, for use in fiscal year 2009. The transferred amount is hereby appropriated.

Ongoing interest earnings from the federal Election Reform/Health and Human Services Fund (Fund 3AH) and the 2005 HAVA Voting Machines Fund (Fund 3AS) shall be credited to the respective funds and distributed in accordance with the terms of the grant under which the money is received.

HOLDING ACCOUNT REDISTRIBUTION GROUP 62092

The foregoing appropriation items 050-605 and 050-606, 62093

Holding Account Redistribution Fund Group, shall be used to hold 62094  
revenues until they are directed to the appropriate accounts or 62095  
until they are refunded. If it is determined that additional 62096  
appropriations are necessary, such amounts are appropriated. 62097

**Section 395.10.** SEN THE OHIO SENATE 62098

General Revenue Fund 62099

GRF 020-321 Operating Expenses \$ 11,778,439 \$ 11,778,439 62100

TOTAL GRF General Revenue Fund \$ 11,778,439 \$ 11,778,439 62101

General Services Fund Group 62102

102 020-602 Senate Reimbursement \$ 448,465 \$ 448,465 62103

409 020-601 Miscellaneous Sales \$ 34,497 \$ 34,497 62104

TOTAL GSF General Services 62105

Fund Group \$ 482,962 \$ 482,962 62106

TOTAL ALL BUDGET FUND GROUPS \$ 12,261,401 \$ 12,261,401 62107

OPERATING EXPENSES 62108

On July 1, 2007, or as soon as possible thereafter, the Clerk 62109  
of the Senate shall certify to the Director of Budget and 62110  
Management the total fiscal year 2007 unencumbered appropriations 62111  
in appropriation item 020-321, Operating Expenses. The Clerk may 62112  
direct the Director of Budget and Management to transfer an amount 62113  
not to exceed the total fiscal year 2007 unencumbered 62114  
appropriations to fiscal year 2008 for use within appropriation 62115  
item 020-321, Operating Expenses. Additional appropriation 62116  
authority equal to the amount certified by the Clerk is hereby 62117  
appropriated to appropriation item 020-321, Operating Expenses, in 62118  
fiscal year 2008. 62119

On July 1, 2008, or as soon as possible thereafter, the Clerk 62120  
of the Senate shall certify to the Director of Budget and 62121  
Management the total fiscal year 2008 unencumbered appropriations 62122  
in appropriation item 020-321, Operating Expenses. The Clerk may 62123

direct the Director of Budget and Management to transfer an amount 62124  
not to exceed the total fiscal year 2008 unencumbered 62125  
appropriations to fiscal year 2009 for use within appropriation 62126  
item 020-321, Operating Expenses. Additional appropriation 62127  
authority equal to the amount certified by the Clerk is hereby 62128  
appropriated to appropriation item 020-321, Operating Expenses, in 62129  
fiscal year 2009. 62130

**Section 397.10.** CSF COMMISSIONERS OF THE SINKING FUND 62131

Debt Service Fund Group				62132	
070 155-905 Third Frontier	\$	14,349,500	\$	25,023,400	62133
Research & Development					
Bond Retirement Fund					
072 155-902 Highway Capital	\$	202,694,900	\$	205,139,500	62134
Improvement Bond					
Retirement Fund					
073 155-903 Natural Resources Bond	\$	24,713,800	\$	25,723,000	62135
Retirement Fund					
074 155-904 Conservation Projects	\$	14,847,200	\$	19,779,200	62136
Bond Service Fund					
076 155-906 Coal Research and	\$	7,232,400	\$	8,192,500	62137
Development Bond					
Retirement Fund					
077 155-907 State Capital	\$	178,713,600	\$	189,296,300	62138
Improvement Bond					
Retirement Fund					
078 155-908 Common Schools Bond	\$	292,268,400	\$	342,148,300	62139
Retirement Fund					
079 155-909 Higher Education Bond	\$	175,972,400	\$	210,372,200	62140
Retirement Fund					
090 155-912 Job Ready Site	\$	4,359,400	\$	8,232,500	62141
Development Bond					



Retirement Fund

TOTAL DSF Debt Service Fund Group	\$	915,151,600	\$	1,033,906,900	62142
TOTAL ALL BUDGET FUND GROUPS	\$	915,151,600	\$	1,033,906,900	62143

ADDITIONAL APPROPRIATIONS 62144

Appropriation items in this section are for the purpose of 62145  
 paying debt service and financing costs on bonds or notes of the 62146  
 state issued under the Ohio Constitution and acts of the General 62147  
 Assembly. If it is determined that additional appropriations are 62148  
 necessary for this purpose, such amounts are hereby appropriated. 62149

**Section 399.10.** SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY 62150  
 DEVELOPMENT FOUNDATION 62151

General Revenue Fund 62152

GRF 945-321 Operating Expenses	\$	0	\$	475,220	62153
GRF 945-501 Southern Ohio	\$	0	\$	7,513,251	62154

Agricultural and  
 Community Development  
 Foundation

TOTAL GRF General Revenue Fund	\$	0	\$	7,988,471	62155
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	7,988,471	62156

SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT 62157  
 FOUNDATION 62158

The foregoing appropriation item 945-321, Operating Expenses, 62159  
 shall be used for the operating expenses of the Southern Ohio 62160  
 Agricultural and Community Development Foundation in administering 62161  
 programs under section 183.15 of the Revised Code. 62162

The foregoing appropriation item 945-501, Southern Ohio 62163  
 Agricultural and Community Development Foundation, shall be used 62164  
 by the Southern Ohio Agricultural and Community Development 62165  
 Foundation for programs administered under section 183.15 of the 62166  
 Revised Code. 62167

Section 401.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &				62168
AUDIOLOGY				62169
General Services Fund Group				62170
4K9 886-609 Operating Expenses	\$	430,600	\$ 453,000	62171
TOTAL GSF General Services				62172
Fund Group	\$	430,600	\$ 453,000	62173
TOTAL ALL BUDGET FUND GROUPS	\$	430,600	\$ 453,000	62174
Section 403.10. BTA BOARD OF TAX APPEALS				62176
General Revenue Fund				62177
GRF 116-321 Operating Expenses	\$	2,247,476	\$ 2,281,188	62178
TOTAL GRF General Revenue Fund	\$	2,247,476	\$ 2,281,188	62179
TOTAL ALL BUDGET FUND GROUPS	\$	2,247,476	\$ 2,281,188	62180
Section 405.10. TAX DEPARTMENT OF TAXATION				62182
General Revenue Fund				62183
GRF 110-321 Operating Expenses	\$	92,040,062	\$ 92,440,062	62184
GRF 110-404 Tobacco Settlement	\$	0	\$ 328,034	62185
Enforcement				
GRF 110-412 Child Support	\$	71,680	\$ 71,680	62186
Administration				
GRF 110-901 Property Tax	\$	446,953,165	\$ 478,613,618	62187
Allocation - Taxation				
GRF 110-906 Tangible Tax Exemption	\$	9,177,962	\$ 4,588,981	62188
- Taxation				
TOTAL GRF General Revenue Fund	\$	548,242,869	\$ 576,042,375	62189
General Services Fund Group				62190
433 110-602 Tape File Account	\$	125,000	\$ 140,000	62191
5BQ 110-629 Commercial Activity	\$	6,000,000	\$ 6,000,000	62192
Tax Administration				
5W4 110-625 Centralized Tax Filing	\$	400,000	\$ 200,000	62193

		and Payment				
5W7	110-627	Exempt Facility	\$	100,000	\$	150,000 62194
		Administration				
5CZ	110-631	Vendor's License	\$	1,000,000	\$	1,000,000 62195
		Application				
TOTAL GSF General Services						62196
Fund Group			\$	7,625,000	\$	7,490,000 62197
State Special Revenue Fund Group						62198
4C6	110-616	International	\$	706,855	\$	706,855 62199
		Registration Plan				
4R6	110-610	Tire Tax	\$	125,000	\$	150,000 62200
		Administration				
435	110-607	Local Tax	\$	17,250,000	\$	17,250,000 62201
		Administration				
436	110-608	Motor Vehicle Audit	\$	1,200,000	\$	1,200,000 62202
437	110-606	Litter Tax and Natural	\$	675,000	\$	800,000 62203
		Resource Tax				
		Administration				
438	110-609	School District Income	\$	3,600,000	\$	3,600,000 62204
		Tax				
5N5	110-605	Municipal Income Tax	\$	500,000	\$	500,000 62205
		Administration				
5N6	110-618	Kilowatt Hour Tax	\$	125,000	\$	175,000 62206
		Administration				
5V7	110-622	Motor Fuel Tax	\$	4,700,000	\$	5,000,000 62207
		Administration				
5V8	110-623	Property Tax	\$	13,500,000	\$	11,200,000 62208
		Administration				
639	110-614	Cigarette Tax	\$	100,000	\$	100,000 62209
		Enforcement				
642	110-613	Ohio Political Party	\$	600,000	\$	600,000 62210
		Distributions				
688	110-615	Local Excise Tax	\$	210,000	\$	180,000 62211

Administration

TOTAL SSR State Special Revenue				62212	
Fund Group	\$	43,291,855	\$	41,461,855	62213
Agency Fund Group				62214	
095 110-995 Municipal Income Tax	\$	21,000,000	\$	21,000,000	62215
425 110-635 Tax Refunds	\$	1,565,900,000	\$	1,546,800,000	62216
TOTAL AGY Agency Fund Group	\$	1,586,900,000	\$	1,567,800,000	62217
Holding Account Redistribution Fund Group				62218	
R10 110-611 Tax Distributions	\$	50,000	\$	50,000	62219
R11 110-612 Miscellaneous Income	\$	50,000	\$	50,000	62220
Tax Receipts					
TOTAL 090 Holding Account				62221	
Redistribution Fund Group	\$	100,000	\$	100,000	62222
TOTAL ALL BUDGET FUND GROUPS	\$	2,186,159,724	\$	2,192,894,230	62223

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX EXEMPTION 62224  
 EXEMPTION 62225

The foregoing appropriation item 110-901, Property Tax Allocation - Taxation, is hereby appropriated to pay for the state's costs incurred because of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts, except for school districts, notwithstanding the provisions in sections 321.24 and 323.156 of the Revised Code, which provide for payment of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and Property Tax Rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor. 62226  
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The foregoing appropriation item 110-906, Tangible Tax Exemption - Taxation, is hereby appropriated to pay for the state's costs incurred because of the tangible personal property 62239  
 62240  
 62241

tax exemption required by division (C)(3) of section 5709.01 of 62242  
the Revised Code. The Tax Commissioner shall distribute to each 62243  
county treasurer the total amount appearing in the notification 62244  
from the county treasurer under division (G) of section 321.24 of 62245  
the Revised Code for all local taxing districts located in the 62246  
county except for school districts, notwithstanding the provision 62247  
in section 321.24 of the Revised Code which provides for payment 62248  
of the \$10,000 tangible personal property tax exemption by the Tax 62249  
Commissioner to the appropriate county treasurer for all local 62250  
taxing districts located in the county including school districts. 62251  
The county auditor shall distribute the amount paid by the Tax 62252  
Commissioner among the appropriate local taxing districts except 62253  
for school districts under division (G) of section 321.24 of the 62254  
Revised Code. 62255

Upon receipt of these amounts, each local taxing district 62256  
shall distribute the amount among the proper funds as if it had 62257  
been paid as real or tangible personal property taxes. Payments 62258  
for the costs of administration shall continue to be paid to the 62259  
county treasurer and county auditor as provided for in sections 62260  
319.54, 321.26, and 323.156 of the Revised Code. 62261

Any sums, in addition to the amounts specifically 62262  
appropriated in appropriation items 110-901, Property Tax 62263  
Allocation - Taxation, for the Homestead Exemption, the 62264  
Manufactured Home Property Tax Rollback, and the Property Tax 62265  
Rollback payments, and 110-906, Tangible Tax Exemption - Taxation, 62266  
for the \$10,000 tangible personal property tax exemption payments, 62267  
which are determined to be necessary for these purposes, are 62268  
hereby appropriated. 62269

MUNICIPAL INCOME TAX 62270

The foregoing appropriation item 110-995, Municipal Income 62271  
Tax, shall be used to make payments to municipal corporations 62272  
under section 5745.05 of the Revised Code. If it is determined 62273

that additional appropriations are necessary to make these 62274  
payments, such amounts are hereby appropriated. 62275

TAX REFUNDS 62276

The foregoing appropriation item 110-635, Tax Refunds, shall 62277  
be used to pay refunds under section 5703.052 of the Revised Code. 62278  
If it is determined that additional appropriations are necessary 62279  
for this purpose, such amounts are hereby appropriated. 62280

INTERNATIONAL REGISTRATION PLAN AUDIT 62281

The foregoing appropriation item 110-616, International 62282  
Registration Plan, shall be used under section 5703.12 of the 62283  
Revised Code for audits of persons with vehicles registered under 62284  
the International Registration Plan. 62285

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 62286

Of the foregoing appropriation item 110-607, Local Tax 62287  
Administration, the Tax Commissioner may disburse funds, if 62288  
available, for the purposes of paying travel expenses incurred by 62289  
members of Ohio's delegation to the Streamlined Sales Tax Project, 62290  
as appointed under section 5740.02 of the Revised Code. Any travel 62291  
expense reimbursement paid for by the Department of Taxation shall 62292  
be done in accordance with applicable state laws and guidelines. 62293

LITTER CONTROL TAX ADMINISTRATION FUND 62294

Notwithstanding section 5733.12 of the Revised Code, during 62295  
the period from July 1, 2007, to June 30, 2008, the amount of 62296  
\$675,000, and during the period from July 1, 2008, to June 30, 62297  
2009, the amount of \$800,000, received by the Tax Commissioner 62298  
under Chapter 5733. of the Revised Code, shall be credited to the 62299  
Litter Control Tax Administration Fund (Fund 437). 62300

CENTRALIZED TAX FILING AND PAYMENT FUND 62301

The Director of Budget and Management, under a plan submitted 62302  
by the Tax Commissioner, or as otherwise determined by the 62303

Director of Budget and Management, shall set a schedule to 62304  
transfer cash from the General Revenue Fund to the credit of the 62305  
Centralized Tax Filing and Payment Fund (Fund 5W4). The transfers 62306  
of cash shall not exceed \$600,000 in the biennium. 62307

COMMERCIAL ACTIVITY TAX ADMINISTRATION FUND 62308

The foregoing appropriation item 110-629, Commercial Activity 62309  
Tax Administration Fund (Fund 5BQ), shall be used to pay expenses 62310  
incurred by the Department of Taxation to implement and administer 62311  
the Commercial Activity Tax under Chapter 5751. of the Revised 62312  
Code. 62313

Notwithstanding section 3734.9010, division (B)(2)(c) of 62314  
section 4505.09, division (B) of section 5703.12, section 5703.80, 62315  
division (C)(6) of section 5727.81, sections 5733.122 and 62316  
5735.053, division (C) of section 5739.21, section 5745.03, 62317  
section 5743.024, section 5743.15, division (C) of section 62318  
5747.03, and section 5747.113 of the Revised Code or any other 62319  
provisions to the contrary, any residual cash balances determined 62320  
and certified by the Tax Commissioner to the Director of Budget 62321  
and Management shall be transferred on July 1, 2007, or as soon as 62322  
possible thereafter, to the Commercial Activities Tax 62323  
Administration Fund (Fund 5BQ). 62324

TOBACCO SETTLEMENT ENFORCEMENT 62325

The foregoing appropriation item 110-404, Tobacco Settlement 62326  
Enforcement, shall be used by the Tax Commissioner to pay costs 62327  
incurred in the enforcement of divisions (F) and (G) of section 62328  
5743.03 of the Revised Code. 62329

**Section 407.10.** DOT DEPARTMENT OF TRANSPORTATION 62330

Transportation Modes 62331

General Revenue Fund 62332

GRF 775-451 Public Transportation \$ 16,500,000 \$ 17,000,000 62333

	- State				
GRF 776-465	Ohio Rail Development Commission	\$ 2,700,000	\$ 2,700,000		62334
GRF 776-466	Railroad Crossing/Grade Separation	\$ 789,600	\$ 789,600		62335
GRF 777-471	Airport Improvements - State	\$ 3,293,985	\$ 1,794,003		62336
TOTAL GRF	General Revenue Fund	\$ 23,283,585	\$ 22,283,603		62337
TOTAL ALL BUDGET FUND GROUPS		\$ 23,283,585	\$ 22,283,603		62338

AIRPORT IMPROVEMENTS 62339

Of the foregoing appropriation item 777-471, Airport Improvements - State, \$2,500,000 in fiscal year 2008 shall be used for Dayton Concourse D Air Travel and Support. 62340  
 62341  
 62342

Of the foregoing appropriation item 777-471, Airport Improvements - State, \$1,500,000 in fiscal year 2008 shall be used for air travel and support and economic development of statewide airports. The Directors of Development and Transportation may enter into one or more interagency agreements between their two departments as necessary to implement a statewide strategy to enhance Ohio's airports as centers of regional economic development. 62343  
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TRANSPORTATION STUDY 62351

Of the foregoing appropriation item 775-451, Public Transportation-State, \$50,000 in fiscal year 2008 shall be used for a Franklin County school transportation study to determine the feasibility of a countywide pupil transportation system. 62352  
 62353  
 62354  
 62355

Of the foregoing appropriation item 777-471, Airport Improvements-State, \$1,000,000 in fiscal year 2008 shall be used for Cleveland Hopkins Airport projects to support increased service and expand the existing hub, as defined in 49 U.S.C. 62356  
 62357  
 62358  
 62359



40102, Infrastructure.				62360
<b>Section 409.10. TOS TREASURER OF STATE</b>				62361
General Revenue Fund				62362
GRF 090-321 Operating Expenses	\$	9,313,195	\$ 9,313,195	62363
GRF 090-401 Office of the Sinking Fund	\$	537,223	\$ 537,223	62364 62365
GRF 090-402 Continuing Education	\$	448,843	\$ 448,843	62366
GRF 090-524 Police and Fire Disability Pension Fund	\$	14,000	\$ 12,000	62367 62368
GRF 090-534 Police & Fire Ad Hoc Cost of Living	\$	140,000	\$ 130,000	62369 62370
GRF 090-554 Police and Fire Survivor Benefits	\$	910,000	\$ 865,000	62371 62372
GRF 090-575 Police and Fire Death Benefits	\$	20,000,000	\$ 20,000,000	62373 62374
TOTAL GRF General Revenue Fund	\$	31,363,261	\$ 31,306,261	62375
General Services Fund Group				62376
4E9 090-603 Securities Lending Income	\$	3,164,000	\$ 3,314,000	62377
577 090-605 Investment Pool Reimbursement	\$	550,000	\$ 550,000	62378 62379
605 090-609 Treasurer of State Administrative Fund	\$	350,000	\$ 350,000	62380 62381
TOTAL GSF General Services Fund Group	\$	4,064,000	\$ 4,214,000	62382 62383
State Special Revenue Fund Group				62384
5C5 090-602 County Treasurer Education	\$	135,000	\$ 135,000	62385

TOTAL SSR State Special Revenue				62386
Fund Group	\$	135,000	\$ 135,000	62387
Agency Fund Group				62388
425 090-635 Tax Refunds	\$	31,000,000	\$ 31,000,000	62389
TOTAL Agency Fund Group	\$	31,000,000	\$ 31,000,000	62390
TOTAL ALL BUDGET FUND GROUPS	\$	66,562,261	\$ 66,655,261	62391

**Section 409.10.10. OFFICE OF THE SINKING FUND** 62393

The foregoing appropriation item 090-401, Office of the 62394  
Sinking Fund, shall be used for financing and other costs incurred 62395  
by or on behalf of the Commissioners of the Sinking Fund, the Ohio 62396  
Public Facilities Commission or its secretary, or the Treasurer of 62397  
State, with respect to State of Ohio general obligation bonds or 62398  
notes, including, but not limited to, printing, advertising, 62399  
delivery, rating fees and the procurement of ratings, professional 62400  
publications, membership in professional organizations, and 62401  
services referred to in division (D) of section 151.01 of the 62402  
Revised Code. The General Revenue Fund shall be reimbursed for 62403  
such costs by intrastate transfer voucher pursuant to a 62404  
certification by the Office of the Sinking Fund of the actual 62405  
amounts used. The amounts necessary to make such reimbursements 62406  
are appropriated from the general obligation bond retirement funds 62407  
created by the Constitution and laws to the extent such costs are 62408  
incurred. 62409

**POLICE AND FIRE DEATH BENEFIT FUND** 62410

The foregoing appropriation item 090-575, Police and Fire 62411  
Death Benefits, shall be disbursed quarterly by the Treasurer of 62412  
State at the beginning of each quarter of each fiscal year to the 62413  
Board of Trustees of the Ohio Police and Fire Pension Fund. The 62414  
Treasurer of State shall certify such amounts quarterly to the 62415  
Director of Budget and Management. By the twentieth day of June of 62416  
each fiscal year, the Board of Trustees of the Ohio Police and 62417

Fire Pension Fund shall certify to the Treasurer of State the 62418  
amount disbursed in the current fiscal year to make the payments 62419  
required by section 742.63 of the Revised Code and shall return to 62420  
the Treasurer of State moneys received from this appropriation 62421  
item but not disbursed. 62422

TAX REFUNDS 62423

The foregoing appropriation item 090-635, Tax Refunds, shall 62424  
be used to pay refunds under section 5703.052 of the Revised Code. 62425  
If the Director of Budget and Management determines that 62426  
additional amounts are necessary for this purpose, such amounts 62427  
are hereby appropriated. 62428

**Section 411.10.** TTA OHIO TUITION TRUST AUTHORITY 62429

State Special Revenue Fund Group 62430

5AM 095-603 Index Savings Plan \$ 2,376,852 \$ 2,425,777 62431

5DC 095-604 Banking Products \$ 1,631,283 \$ 1,648,123 62432

5P3 095-602 Variable College \$ 2,031,354 \$ 2,063,596 62433

Savings Fund

645 095-601 Operating Expenses \$ 872,086 \$ 881,169 62434

TOTAL SSR State Special Revenue 62435

Fund Group \$ 6,911,575 \$ 7,018,665 62436

TOTAL ALL BUDGET FUND GROUPS \$ 6,911,575 \$ 7,018,665 62437

**Section 413.10.** OVH OHIO VETERANS' HOME 62439

General Revenue Fund 62440

GRF 430-100 Personal Services \$ 23,085,261 \$ 24,403,903 62441

GRF 430-200 Maintenance \$ 7,835,544 \$ 8,458,613 62442

GRF 430-402 Hall of Fame \$ 125,000 \$ 125,000 62443

TOTAL GRF General Revenue Fund \$ 31,045,805 \$ 32,987,516 62444

General Services Fund Group 62445

484 430-603 Veterans Home Services \$ 375,880 \$ 375,880 62446

TOTAL GSF General Services Fund	\$	375,880	\$	375,880	62447
Group					
Federal Special Revenue Fund Group					62448
3BX 430-609 Medicare Services	\$	1,446,807		1,446,807	62449
3L2 430-601 Veterans Home	\$	15,290,320	\$	15,410,471	62450
Operations - Federal					
TOTAL FED Federal Special Revenue					62451
Fund Group	\$	16,737,127	\$	16,857,278	62452
State Special Revenue Fund Group					62453
4E2 430-602 Veterans Home	\$	8,530,800	\$	8,530,800	62454
Operating					
604 430-604 Veterans Home	\$	770,096	\$	770,096	62455
Improvement					
TOTAL SSR State Special Revenue					62456
Fund Group	\$	9,300,896	\$	9,300,896	62457
TOTAL ALL BUDGET FUND GROUPS	\$	57,459,708	\$	59,521,570	62458
CORNERSTONE OF HOPE					62459
Of the foregoing appropriation item 430-100, Personal					62460
Services, \$100,000 in each fiscal year shall be distributed to					62461
Cornerstone of Hope to be used to provide professional counseling					62462
services for individuals who have recently lost family members,					62463
including the loss of servicemen and service women in the United					62464
States Armed Forces.					62465
<b>Section 415.10. VET VETERANS' ORGANIZATIONS</b>					62466
General Revenue Fund					62467
VAP AMERICAN EX-PRISONERS OF WAR					62468
GRF 743-501 State Support	\$	25,030	\$	25,030	62469
VAN ARMY AND NAVY UNION, USA, INC.					62470
GRF 746-501 State Support	\$	55,012	\$	55,012	62471
VKW KOREAN WAR VETERANS					62472

GRF 747-501	State Support	\$	49,453	\$	49,453	62473
	VJW JEWISH WAR VETERANS					62474
GRF 748-501	State Support	\$	29,715	\$	29,715	62475
	VCW CATHOLIC WAR VETERANS					62476
GRF 749-501	State Support	\$	57,990	\$	57,990	62477
	VPH MILITARY ORDER OF THE PURPLE HEART					62478
GRF 750-501	State Support	\$	56,377	\$	56,377	62479
	VVV VIETNAM VETERANS OF AMERICA					62480
GRF 751-501	State Support	\$	185,954	\$	185,954	62481
	VAL AMERICAN LEGION OF OHIO					62482
GRF 752-501	State Support	\$	302,328	\$	302,328	62483
	VII AMVETS					62484
GRF 753-501	State Support	\$	287,919	\$	287,919	62485
	VAV DISABLED AMERICAN VETERANS					62486
GRF 754-501	State Support	\$	216,308	\$	216,308	62487
	VMC MARINE CORPS LEAGUE					62488
GRF 756-501	State Support	\$	115,972	\$	115,972	62489
	V37 37TH DIVISION AEF VETERANS' ASSOCIATION					62490
GRF 757-501	State Support	\$	5,946	\$	5,946	62491
	VFW VETERANS OF FOREIGN WARS					62492
GRF 758-501	State Support	\$	246,615	\$	246,615	62493
TOTAL GRF General Revenue Fund		\$	1,634,619	\$	1,634,619	62494
TOTAL ALL BUDGET FUND GROUPS		\$	1,634,619	\$	1,634,619	62495

RELEASE OF FUNDS 62496

The foregoing appropriation items 743-501, 746-501, 747-501, 748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501, 756-501, 757-501, and 758-501, State Support, shall be released upon approval by the Director of Budget and Management. 62497  
62498  
62499  
62500

CENTRAL OHIO UNITED SERVICES ORGANIZATION 62501

Of the foregoing appropriation item 751-501, State Support, Vietnam Veterans of America, \$50,000 in each fiscal year shall be used to support the activities of the Central Ohio USO. 62502  
62503  
62504

VAL AMERICAN LEGION OF OHIO	62505
Of the foregoing appropriation item 752-501, State Support,	62506
VAL American Legion, at least \$50,000 in each fiscal year shall be	62507
used to fund service officer expenses.	62508
VETERANS SERVICE COMMISSION EDUCATION	62509
Of the foregoing appropriation item 753-501, State Support,	62510
AMVETS, up to \$20,000 in each fiscal year may be used to provide	62511
moneys to the Association of County Veterans Service Commissioners	62512
to reimburse its member county veterans service commissions for	62513
costs incurred in carrying out educational and outreach duties	62514
required under divisions (E) and (F) of section 5901.03 of the	62515
Revised Code. The Director of Budget and Management shall release	62516
these funds upon the presentation of an itemized receipt, approved	62517
by the Governor's Office of Veterans Affairs, from the association	62518
for reasonable and appropriate expenses incurred while performing	62519
these duties. The association shall establish uniform procedures	62520
for reimbursing member commissions.	62521
VII AMVETS	62522
Of the foregoing appropriation item 753-501, State Support,	62523
AMVETS, at least \$50,000 shall be used in each fiscal year to fund	62524
service officer expenses.	62525
VAV DISABLED AMERICAN VETERANS	62526
Of the foregoing appropriation item 754-501, State Support,	62527
VAV Disabled American Veterans, at least \$50,000 in each fiscal	62528
year shall be used to fund service officer expenses.	62529
VMC MARINE CORPS LEAGUE	62530
Of the foregoing appropriation item 756-501, State Support,	62531
VMC Marine Corps League, at least \$30,000 in each fiscal year	62532
shall be used to fund service officer expenses.	62533
VFW VETERANS OF FOREIGN WARS	62534

Of the foregoing appropriation item 758-501, State Support, 62535  
 VFW Veterans of Foreign Wars, at least \$50,000 in each fiscal year 62536  
 shall be used to fund service officer expenses. 62537

**Section 417.10.** DVM STATE VETERINARY MEDICAL BOARD 62538

General Services Fund Group 62539  
 4K9 888-609 Operating Expenses \$ 322,740 \$ 327,312 62540  
 5BU 888-602 Veterinary Student \$ 60,000 \$ 0 62541  
     Loan Program  
 TOTAL GSF General Services 62542  
 Fund Group \$ 382,740 \$ 327,312 62543  
 TOTAL ALL BUDGET FUND GROUPS \$ 382,740 \$ 327,312 62544

**Section 419.10.** DYS DEPARTMENT OF YOUTH SERVICES 62546

General Revenue Fund 62547  
 GRF 470-401 RECLAIM Ohio \$ 186,338,297 \$ 190,599,131 62548  
 GRF 470-412 Lease Rental Payments \$ 23,832,700 \$ 23,483,700 62549  
 GRF 470-510 Youth Services \$ 18,558,587 \$ 18,558,587 62550  
 GRF 472-321 Parole Operations \$ 15,356,904 \$ 15,764,729 62551  
 GRF 477-321 Administrative \$ 14,754,420 \$ 14,754,419 62552  
     Operations  
 TOTAL GRF General Revenue Fund \$ 258,840,908 \$ 263,160,566 62553  
 General Services Fund Group 62554  
 175 470-613 Education \$ 9,985,035 \$ 10,550,725 62555  
     Reimbursement  
 4A2 470-602 Child Support \$ 328,657 \$ 328,657 62556  
 4G6 470-605 General Operational \$ 49,713 \$ 50,955 62557  
     Funds  
 4G6 470-631 SCALE Program \$ 100,000 \$ 100,000 62558  
 479 470-609 Employee Food Service \$ 137,666 \$ 137,666 62559  
 5BN 470-629 E-Rate Program \$ 200,000 \$ 200,000 62560  
 TOTAL GSF General Services 62561

Fund Group		\$	10,801,071	\$	11,368,003	62562
Federal Special Revenue Fund Group						62563
3BH 470-630	Federal Juvenile Programs FFY 06	\$	100,000	\$	50,000	62564
3BT 470-634	Federal Juvenile Programs	\$	300,000	\$	50,000	62565
3BY 470-635	Federal Juvenile Programs FFY 07	\$	903,350	\$	350,000	62566
3BZ 470-636	Federal Juvenile Programs FFY 08	\$	0	\$	653,350	62567
3V5 470-604	Juvenile Justice/Delinquency Prevention	\$	2,750,000	\$	2,750,000	62568
3Z9 470-626	Federal Juvenile Programs FFY 05	\$	142,253	\$	0	62569
321 470-601	Education	\$	5,202,160	\$	5,473,109	62570
321 470-603	Juvenile Justice Prevention	\$	51,000	\$	30,000	62571
321 470-606	Nutrition	\$	2,908,369	\$	2,981,078	62572
321 470-610	Rehabilitation Programs	\$	36,000	\$	36,000	62573
321 470-614	Title IV-E Reimbursements	\$	6,162,670	\$	6,316,737	62574
321 470-617	Americorps Programs	\$	463,700	\$	463,700	62575
321 470-633	Project Re-entry	\$	1,017,843	\$	1,017,843	62576
TOTAL FED	Federal Special Revenue					62577
Fund Group		\$	20,037,345	\$	20,171,817	62578
State Special Revenue Fund Group						62579
147 470-612	Vocational Education	\$	2,074,710	\$	2,141,823	62580
5BH 470-628	Partnerships for Success	\$	1,500,000	\$	1,500,000	62581
TOTAL SSR	State Special Revenue					62582



Fund Group	\$	3,574,710	\$	3,641,823	62583
TOTAL ALL BUDGET FUND GROUPS	\$	293,254,034	\$	298,342,209	62584

RECLAIM OHIO 62585

Of the foregoing appropriation item 470-401, RECLAIM Ohio, 62586  
\$25,000 in each fiscal year shall be distributed directly to the 62587  
Lighthouse Youth Services Wrap-Around Program. 62588

OHIO BUILDING AUTHORITY LEASE PAYMENTS 62589

The foregoing appropriation item 470-412, Lease Rental 62590  
Payments, in the Department of Youth Services, shall be used to 62591  
meet all payments to the Ohio Building Authority for the period 62592  
from July 1, 2007, to June 30, 2009, under the leases and 62593  
agreements for facilities made under Chapter 152. of the Revised 62594  
Code. This appropriation is the source of funds pledged for bond 62595  
service charges on related obligations issued pursuant to Chapter 62596  
152. of the Revised Code. 62597

EDUCATION REIMBURSEMENT 62598

The foregoing appropriation item 470-613, Education 62599  
Reimbursement, shall be used to fund the operating expenses of 62600  
providing educational services to youth supervised by the 62601  
Department of Youth Services. Operating expenses include, but are 62602  
not limited to, teachers' salaries, maintenance costs, and 62603  
educational equipment. This appropriation item may be used for 62604  
capital expenses related to the education program. 62605

EMPLOYEE FOOD SERVICE AND EQUIPMENT 62606

Notwithstanding section 125.14 of the Revised Code, the 62607  
foregoing appropriation item 470-609, Employee Food Service, may 62608  
be used to purchase any food operational items with funds received 62609  
into the fund from reimbursement for state surplus property. 62610

**Section 503.03.** PERSONAL SERVICE EXPENSES 62611

Unless otherwise prohibited by law, any appropriation from 62612

which personal service expenses are paid shall bear the employer's 62613  
share of public employees' retirement, workers' compensation, 62614  
disabled workers' relief, and all group insurance programs; the 62615  
costs of centralized accounting, centralized payroll processing, 62616  
and related personnel reports and services; the cost of the Office 62617  
of Collective Bargaining; the cost of the Employee Assistance 62618  
Program; the cost of the affirmative action and equal employment 62619  
opportunity programs administered by the Department of 62620  
Administrative Services; the costs of interagency information 62621  
management infrastructure; and the cost of administering the state 62622  
employee merit system as required by section 124.07 of the Revised 62623  
Code. These costs shall be determined in conformity with the 62624  
appropriate sections of law and paid in accordance with procedures 62625  
specified by the Office of Budget and Management. Expenditures 62626  
from appropriation item 070-601, Public Audit Expense - Local 62627  
Government, in Fund 422 may be exempted from the requirements of 62628  
this section. 62629

**Section 503.06. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 62630  
**AGAINST THE STATE** 62631

Except as otherwise provided in this section, an 62632  
appropriation in this act or any other act may be used for the 62633  
purpose of satisfying judgments, settlements, or administrative 62634  
awards ordered or approved by the Court of Claims or by any other 62635  
court of competent jurisdiction in connection with civil actions 62636  
against the state. This authorization does not apply to 62637  
appropriations to be applied to or used for payment of guarantees 62638  
by or on behalf of the state, or for payments under lease 62639  
agreements relating to, or debt service on, bonds, notes, or other 62640  
obligations of the state. Notwithstanding any other statute to the 62641  
contrary, this authorization includes appropriations from funds 62642  
into which proceeds of direct obligations of the state are 62643  
deposited only to the extent that the judgment, settlement, or 62644

administrative award is for, or represents, capital costs for 62645  
which the appropriation may otherwise be used and is consistent 62646  
with the purpose for which any related obligations were issued or 62647  
entered into. Nothing contained in this section is intended to 62648  
subject the state to suit in any forum in which it is not 62649  
otherwise subject to suit, and is not intended to waive or 62650  
compromise any defense or right available to the state in any suit 62651  
against it. 62652

**Section 503.09. CAPITAL PROJECT SETTLEMENTS** 62653

This section specifies an additional and supplemental 62654  
procedure to provide for payments of judgments and settlements if 62655  
the Director of Budget and Management determines, pursuant to 62656  
division (C)(4) of section 2743.19 of the Revised Code, that 62657  
sufficient unencumbered moneys do not exist in the particular 62658  
appropriation to pay the amount of a final judgment rendered 62659  
against the state or a state agency, including the settlement of a 62660  
claim approved by a court, in an action upon and arising out of a 62661  
contractual obligation for the construction or improvement of a 62662  
capital facility if the costs under the contract were payable in 62663  
whole or in part from a state capital projects appropriation. In 62664  
such a case, the director may either proceed pursuant to division 62665  
(C)(4) of section 2743.19 of the Revised Code or apply to the 62666  
Controlling Board to increase an appropriation or create an 62667  
appropriation out of any unencumbered moneys in the state treasury 62668  
to the credit of the capital projects fund from which the initial 62669  
state appropriation was made. The Controlling Board may approve or 62670  
disapprove the application as submitted or modified. The amount of 62671  
an increase in appropriation or new appropriation specified in an 62672  
application approved by the Controlling Board is hereby 62673  
appropriated from the applicable capital projects fund and made 62674  
available for the payment of the judgment or settlement. 62675

If the director does not make the application authorized by 62676  
this section or the Controlling Board disapproves the application, 62677  
and the director does not make application under division (C)(4) 62678  
of section 2743.19 of the Revised Code, the director shall for the 62679  
purpose of making that payment make a request to the General 62680  
Assembly as provided for in division (C)(5) of that section. 62681

**Section 503.12. RE-ISSUANCE OF VOIDED WARRANTS** 62682

In order to provide funds for the reissuance of voided 62683  
warrants under section 117.47 of the Revised Code, there is hereby 62684  
appropriated, out of moneys in the state treasury from the fund 62685  
credited as provided in section 117.47 of the Revised Code, that 62686  
amount sufficient to pay such warrants when approved by the Office 62687  
of Budget and Management. 62688

**Section 503.15. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 62689  
**BALANCES OF OPERATING APPROPRIATIONS** 62690

Except for amounts of \$1,000,000 or more that are encumbered 62691  
for program subsidy payments, which the Director of Budget and 62692  
Management must submit to the Controlling Board for approval, an 62693  
unexpended balance of an operating appropriation or 62694  
reappropriation that a state agency lawfully encumbered prior to 62695  
the close of a fiscal year is reappropriated on the first day of 62696  
July of the following fiscal year from the fund from which it was 62697  
originally appropriated or reappropriated for the following period 62698  
and shall remain available only for the purpose of discharging the 62699  
encumbrance: 62700

(A) For an encumbrance for personal services, maintenance, 62701  
equipment, or items for resale, other than an encumbrance for an 62702  
item of special order manufacture not available on term contract 62703  
or in the open market or for reclamation of land or oil and gas 62704  
wells for a period of not more than five months from the end of 62705

the fiscal year; 62706

(B) For an encumbrance for an item of special order 62707  
manufacture not available on term contract or in the open market, 62708  
for a period of not more than five months from the end of the 62709  
fiscal year or, with the written approval of the Director of 62710  
Budget and Management, for a period of not more than twelve months 62711  
from the end of the fiscal year; 62712

(C) For an encumbrance for reclamation of land or oil and gas 62713  
wells, for a period ending when the encumbered appropriation is 62714  
expended or for a period of two years, whichever is less; 62715

(D) For an encumbrance for any other expense, for such period 62716  
as the director approves, provided such period does not exceed two 62717  
years. 62718

Any operating appropriations for which unexpended balances 62719  
are reappropriated beyond a five-month period from the end of the 62720  
fiscal year by division (B) of this section shall be reported to 62721  
the Controlling Board by the Director of Budget and Management by 62722  
the thirty-first day of December of each year. The report on each 62723  
such item shall include the item, the cost of the item, and the 62724  
name of the vendor. The report shall be updated on a quarterly 62725  
basis for encumbrances remaining open. 62726

Upon the expiration of the reappropriation period set out in 62727  
divisions (A), (B), (C), or (D) of this section, a reappropriation 62728  
made by this section lapses, and the Director of Budget and 62729  
Management shall cancel the encumbrance of the unexpended 62730  
reappropriation not later than the end of the weekend following 62731  
the expiration of the reappropriation period. 62732

Notwithstanding the preceding paragraph, with the approval of 62733  
the Director of Budget and Management, an unexpended balance of an 62734  
encumbrance that was reappropriated on the first day of July by 62735  
this section for a period specified in division (C) or (D) of this 62736

section and that remains encumbered at the close of the fiscal 62737  
biennium is hereby reappropriated on the first day of July of the 62738  
following fiscal biennium from the fund from which it was 62739  
originally appropriated or reappropriated for the applicable 62740  
period specified in division (C) or (D) of this section and shall 62741  
remain available only for the purpose of discharging the 62742  
encumbrance. 62743

The Director of Budget and Management may correct accounting 62744  
errors committed by the staff of the Office of Budget and 62745  
Management, such as re-establishing encumbrances or appropriations 62746  
cancelled in error, during the cancellation of operating 62747  
encumbrances in November and of nonoperating encumbrances in 62748  
December. 62749

If the Controlling Board approved a purchase, that approval 62750  
remains in effect so long as the appropriation used to make that 62751  
purchase remains encumbered. 62752

**Section 503.18.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 62753  
RE-ESTABLISHMENT OF ENCUMBRANCES 62754

Any cash transferred by the Director of Budget and Management 62755  
under section 126.15 of the Revised Code is hereby appropriated. 62756  
Any amounts necessary to re-establish appropriations or 62757  
encumbrances under section 126.15 of the Revised Code are hereby 62758  
appropriated. 62759

**Section 503.21.** INCOME TAX DISTRIBUTION TO COUNTIES 62760

There are hereby appropriated out of any moneys in the state 62761  
treasury to the credit of the General Revenue Fund, which are not 62762  
otherwise appropriated, funds sufficient to make any payment 62763  
required by division (B)(2) of section 5747.03 of the Revised 62764  
Code. 62765

<b>Section 503.24.</b> EXPENDITURES AND APPROPRIATION INCREASES	62766		
APPROVED BY THE CONTROLLING BOARD	62767		
Any money that the Controlling Board approves for expenditure	62768		
or any increase in appropriation authority that the Controlling	62769		
Board approves under sections 127.14, 131.35, and 131.39 of the	62770		
Revised Code or any other provision of law is hereby appropriated	62771		
for the period ending June 30, 2009.	62772		
<b>Section 503.27.</b> FUNDS RECEIVED FOR USE OF GOVERNOR'S	62773		
RESIDENCE	62774		
If the Governor's Residence Fund (Fund 4H2) receives payment	62775		
for use of the residence pursuant to section 107.40 of the Revised	62776		
Code, the amounts so received are hereby appropriated to	62777		
appropriation item 100-604, Governor's Residence Gift.	62778		
<b>Section 506.03.</b> UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS	62779		
The maximum amounts that may be assessed against nuclear	62780		
electric utilities under division (B)(2) of section 4937.05 of the	62781		
Revised Code are as follows:	62782		
	FY 2008	FY 2009	62783
Department of Agriculture			62784
Fund 4E4 Utility Radiological Safety	\$73,059	\$73,059	62785
Department of Health			62786
Fund 610 Radiation Emergency Response	\$850,000	\$850,000	62787
Environmental Protection Agency			62788
Fund 644 ER Radiological Safety	\$286,114	\$286,114	62789
Emergency Management Agency			62790
Fund 657 Utility Radiological Safety	\$1,260,000	\$1,260,000	62791
<b>Section 512.03.</b> TRANSFERS TO THE GENERAL REVENUE FUND FROM	62792		
NON-GRF FUNDS	62793		

Notwithstanding any other provision of law to the contrary, 62794  
during fiscal years 2008 and 2009, the Director of Budget and 62795  
Management is hereby authorized to transfer cash from non-General 62796  
Revenue Fund funds that are not constitutionally restricted to the 62797  
General Revenue Fund. The total amount of cash transfers made 62798  
pursuant to this section to the General Revenue Fund during fiscal 62799  
years 2008 and 2009 shall not exceed \$70,000,000. 62800

**Section 512.06.** TRANSFERS TO THE GENERAL REVENUE FUND OF 62801  
INTEREST EARNED 62802

Notwithstanding any provision of Ohio law to the contrary, 62803  
the Director of Budget and Management, through June 30, 2009, may 62804  
transfer interest earned by any fund in the Central Accounting 62805  
System to the General Revenue Fund. Subsequent to the making of 62806  
such transfers, the Director of Budget and Management shall 62807  
provide a report to the Controlling Board at its next regularly 62808  
scheduled meeting detailing the funds from which the interest 62809  
earned was transferred to the General Revenue Fund and the amount 62810  
of interest earnings transferred from each of those funds. This 62811  
section does not apply to funds whose source of revenue is 62812  
restricted or protected by the Constitution of this state, federal 62813  
tax law, or the "Cash Management Improvement Act of 1990" 104 62814  
Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended. 62815

**Section 512.07.** CASH TRANSFERS FROM REPARATIONS FUND (Fund 62816  
402) TO DISASTER PREPAREDNESS FUND (Fund 5EX) 62817

Notwithstanding any other provision of law to the contrary, 62818  
on the first day of July in each of years 2007 and 2008, or as 62819  
soon as practicable thereafter in each of those years, the 62820  
Director of Budget and Management shall transfer \$350,000 in cash 62821  
from the Reparations Fund (Fund 402) to the Disaster Preparedness 62822  
Fund (Fund 5EX). 62823



**Section 512.09.** CORPORATE AND UCC FILING FUND TRANSFER TO GRF 62824

Not later than the first day of June in each year of the 62825  
biennium, the Director of Budget and Management shall transfer 62826  
\$500,000 from the Corporate and Uniform Commercial Code Filing 62827  
Fund to the General Revenue Fund. 62828

**Section 512.21.** GRF TRANSFER TO FUND 5N4, OAKS PROJECT 62829  
IMPLEMENTATION 62830

On July 1, 2007, or as soon thereafter as possible, the 62831  
Director of Budget and Management shall transfer an amount not to 62832  
exceed \$2,200,725 in cash from the General Revenue Fund to Fund 62833  
5N4, OAKS Project Implementation. On July 1, 2008, or as soon 62834  
thereafter as possible, the Director of Budget and Management 62835  
shall transfer an amount not to exceed \$2,092,779 in cash from the 62836  
General Revenue Fund to Fund 5N4, OAKS Project Implementation. 62837

**Section 512.31.** TEMPORARY TRANSFER TO THE OAKS SUPPORT 62838  
ORGANIZATION FUND 62839

Notwithstanding any provision of law to the contrary, in 62840  
fiscal year 2008, the Director of Budget and Management may 62841  
transfer an amount not to exceed \$1,000,000 in cash from the Human 62842  
Resources Services Fund (Fund 125) to the OAKS Support 62843  
Organization Fund (Fund 5EB). These amounts shall support the 62844  
establishment of the OAKS Support Organization. Amounts 62845  
transferred to the OAKS Support Organization Fund and interest 62846  
earnings on these amounts transferred during fiscal year 2008 62847  
shall be returned to the Human Resources Services Fund not later 62848  
than January 1, 2008. Upon certification of the total amount 62849  
transferred from Fund 125 to Fund 5EB, the Director of Budget and 62850  
Management shall transfer cash in the amount certified from Fund 62851  
5EB to Fund 125. 62852

**Section 512.34.** TRANSFER FROM EDUCATION FACILITIES ENDOWMENT FUND 62853  
62854

Notwithstanding division (G) of section 183.27 of the Revised Code, the Director of Budget and Management shall transfer \$40,000,000 cash in fiscal year 2008 from the Education Facilities Endowment Fund (Fund P87) to the Public School Building Fund (Fund 021). The amounts transferred are hereby appropriated to the Ohio School Facilities Commission for the purposes of appropriation item CAP-622, Public School Buildings. 62855  
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**Section 512.37.** TRANSFER TO ENERGY STRATEGY DEVELOPMENT FUND 62862

On July 1, 2007, and on July 1, 2008, or as soon thereafter as possible, the Director of Budget and Management may transfer cash from the funds specified below, in the amount specified 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. 62863  
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<u>Agency</u>	<u>Fund</u>	<u>FY 2008</u>	<u>FY 2009</u>	
Department of Administrative Services	117	\$35,000	\$35,000	62870 62871
Department of Agriculture	3J4	\$35,000	\$35,000	62872
Department of Development	4H4	\$32,447	\$0	62873
Department of Development	135	\$0	\$35,000	62874
Environmental Protection Agency	219	\$35,000	\$35,000	62875
Department of Natural Resources	157	\$35,000	\$35,000	62876
Department of Transportation	002	\$50,000	\$50,000	62877

**Section 512.38.** CASH TRANSFER FROM AUTOMATED TITLE PROCESSING FUND TO TITLE DEFECT RESCISSION FUND 62878  
62879

Notwithstanding any other provision of law to the contrary, on July 1, 2007, or as soon as practicable thereafter, the 62880  
62881

Director of Budget and Management shall transfer \$1,000,000 in 62882  
cash from the Automated Title Processing Fund (Fund 849) to the 62883  
Title Defect Rescission Fund (Fund 4Y7). 62884

**Section 512.41.** For purposes of sections 109.93, 111.18, and 62885  
173.85 of the Revised Code, as amended by this act, the Director 62886  
of Budget and Management, in collaboration with the Treasurer of 62887  
State, may take any action necessary to establish funds in the 62888  
state treasury that were previously held in the custody of the 62889  
Treasurer of State, including, but not limited to, the transfer of 62890  
cash from the custodial funds to the state treasury and the 62891  
establishment of appropriations and encumbrances to support 62892  
outstanding obligations. The amounts necessary to support 62893  
outstanding obligations are hereby appropriated. Agencies may 62894  
request additional appropriation authority, but it shall be 62895  
subject to approval by the Controlling Board. 62896

**Section 515.06.** TRANSFER OF PRINTING SERVICES FROM THE OFFICE 62897  
OF INFORMATION TECHNOLOGY 62898

Effective July 1, 2007, or the earliest date thereafter 62899  
agreed to by the Director of Budget and Management and the 62900  
Director of Administrative Services, the Office of Information 62901  
Technology printing office currently located on Integrity Drive in 62902  
Columbus shall become part of the Department of Administrative 62903  
Services. The functions, assets, and liabilities, including, but 62904  
not limited to, records, regardless of form or medium, leases, and 62905  
contracts, of the printing office are transferred to the 62906  
Department of Administrative Services. The Department of 62907  
Administrative Services is thereupon and thereafter successor to, 62908  
assumes the obligations of, and otherwise constitutes the 62909  
continuation of the printing office. The functions of the printing 62910  
office are thereupon and thereafter transferred to the Department 62911  
of Administrative Services. 62912

Any business commenced but not completed by the printing office by the date of the transfer shall be completed by the Department of Administrative Services, in the same manner, and with the same effect, as if completed by the printing office. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer and shall be administered by the Department of Administrative Services. All the printing office's rules, orders, and determinations continue in effect as rules, orders, and determinations of the Department of Administrative Services, until modified or rescinded by the 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. 62945

On and after July 1, 2007, notwithstanding any provision of 62946  
law to the contrary, the Director of Budget and Management shall 62947  
take the actions with respect to budget changes made necessary by 62948  
the transfer, including administrative reorganization, program 62949  
transfers, the creation of new funds, and the consolidation of 62950  
funds as authorized by this section. The Director of Budget and 62951  
Management may cancel encumbrances and re-establish encumbrances 62952  
or parts of encumbrances as needed in fiscal year 2008 in the 62953  
appropriate fund and appropriation item for the same purpose and 62954  
for payment to the same vendor. The Director of Budget and 62955  
Management as determined necessary, may re-establish encumbrances 62956  
in fiscal year 2008 in a different fund or appropriation item in 62957  
an agency or between agencies. The re-established encumbrances are 62958  
hereby appropriated. The Director of Budget and Management shall 62959  
reduce each year's appropriation balances by the amount of the 62960  
encumbrance canceled in their respective funds and appropriation 62961  
items. 62962

Not later than sixty days after the transfer of the printing 62963  
office to the Department of Administrative Services, the Director 62964  
of the Office of Information Technology shall certify to the 62965  
Director of Budget and Management the amount of cash associated 62966  
with printing services supported by Fund 133, IT Services Delivery 62967  
Fund. Upon receipt of the certification, the Director of Budget 62968  
and Management shall transfer cash from Fund 133, IT Services 62969  
Delivery Fund, to Fund 210, State Printing Fund. This amount is 62970  
hereby appropriated. 62971

**Section 515.09. TRANSFER OF MAIL AND FULFILLMENT SERVICES** 62972  
**FROM THE DEPARTMENT OF JOB AND FAMILY SERVICES** 62973

Effective July 1, 2007, or the earliest date thereafter 62974  
agreed to by the Director of Job and Family Services and the 62975

Director of Administrative Services, the Department of Job and 62976  
Family Services mail and fulfillment office, currently located on 62977  
Integrity Drive in Columbus shall become part of the Department of 62978  
Administrative Services. The functions, assets, and liabilities, 62979  
including, but not limited to, records, regardless of form or 62980  
medium, leases, and contracts, of the mail and fulfillment office 62981  
is transferred to the Department of Administrative Services. The 62982  
Department of Administrative Services is thereupon and thereafter 62983  
successor to, assumes the obligations of, and otherwise 62984  
constitutes the continuation of the mail and fulfillment office. 62985  
The functions of the mail and fulfillment office are thereupon and 62986  
thereafter transferred to the Department of Administrative 62987  
Services. 62988

Any business commenced but not completed by the mail and 62989  
fulfillment office by the date of transfer shall be completed by 62990  
the Department of Administrative Services, in the same manner, and 62991  
with the same effect, as if completed by the mail and fulfillment 62992  
office. No validation, cure, right, privilege, remedy, obligation, 62993  
or liability is lost or impaired by reason of the transfer and 62994  
shall be administered by the Department of Administrative 62995  
Services. All of the mail and fulfillment office's rules, orders, 62996  
and determinations continue in effect as rules, orders, and 62997  
determinations of the Department of Administrative Services, until 62998  
modified or rescinded by the Department of Administrative 62999  
Services. If necessary to ensure the integrity of the 63000  
Administrative Code rule numbering system, the Director of the 63001  
Legislative Service Commission shall renumber the mail and 63002  
fulfillment office's rules to reflect their transfer to the 63003  
Department of Administrative Services. 63004

Employees of the Department of Job and Family Services 63005  
designated as staff in the mail and fulfillment office shall be 63006  
transferred to the Department of Administrative Services. Subject 63007

to the layoff provisions of sections 124.321 to 124.328 of the Revised Code, and to 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 mail and fulfillment office is a party that is pending on July 1, 2007, or such later date as may be established by the Director of Job and Family Services 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 Job and Family Services 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 Management, as determined necessary, may re-establish encumbrances in fiscal year 2008 in a different fund or appropriation item in an agency or between agencies. The re-established encumbrances are hereby appropriated. The Director of Budget and Management shall reduce each year's appropriation balances by the amount of the encumbrance canceled in their respective funds and appropriation items.

The Director of Job and Family Services and the Director of Administrative Services shall enter into an interagency agreement establishing terms and timetables for the implementation of this section. The interagency agreement shall include provisions for credits to the Department of Job and Family Services for prepaid postage, agreements for the credit, transfer, or reimbursement of funds to the Department of Job and Family Services to comply with terms and conditions applicable to federal funds expended by the department for the purchase, maintenance, and operation of equipment, agreements for ongoing operations in compliance with 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, 63071  
Higher Education General Obligation Debt Service, and 230-908, 63072  
Common Schools General Obligation Debt Service, that are in excess 63073  
of the amounts needed to pay all debt service and financing costs 63074  
on those obligations payable from each of those items and transfer 63075  
all or any portion of that excess appropriation to appropriation 63076  
item 200-901, Property Tax Allocation-Education, or 110-901, 63077  
Property Tax Allocation-Taxation, or both together as needed for 63078  
the purposes of making the state's property tax relief payments to 63079  
school districts and counties. 63080

(2) Determine the amount by which interest earnings credited 63081  
to Fund 034, Higher Education Improvement Fund, and Fund 032, 63082  
School Building Program Assistance Fund, from the investment of 63083  
the net proceeds of those tobacco obligations exceed the amount 63084  
needed to satisfy appropriations from those funds, transfer all or 63085  
part of that excess cash balance to the General Revenue Fund, and 63086  
increase appropriation item 200-901, Property Tax 63087  
Allocation-Education, or 110-901, Property Tax 63088  
Allocation-Taxation, or both together, by up to the amount of cash 63089  
so transferred to the General Revenue Fund. 63090

(3) Determine the amount of capital appropriation in CAP-770, 63091  
School Building Assistance Program, transfer cash to Fund 5E3, 63092  
School Facilities Commission, an amount that is necessary to fully 63093  
expend the amount of net proceeds deposited into Fund 032, School 63094  
Building Program Assistance Fund, from the issuance of those 63095  
tobacco obligations and increase the appropriations for CAP-770 63096  
and appropriation item 230-644, Operating Expenses-School 63097  
Facilities Commission, by the necessary amount. 63098

(4) Determine the amount of additional capital appropriations 63099  
necessary to fully expend the amount of net proceeds deposited 63100  
from the issuance of those tobacco obligations into Fund 034, 63101  
Higher Education Improvement Fund. 63102

(5) Reduce the amount of authorization to issue and sell 63103  
general obligations to pay the costs of capital facilities for a 63104  
system of common schools throughout the state granted to the Ohio 63105  
Public Facilities Commission by prior acts of the General Assembly 63106  
to reflect the amount of net proceeds of those tobacco obligations 63107  
deposited into Fund 034, Higher Education Improvement Fund, that 63108  
are intended to replace general obligations for the purpose. 63109

(6) Reduce the amount of authorization to issue and sell 63110  
general obligations to pay the costs of capital facilities for 63111  
state-supported and state-assisted institutions of higher 63112  
education granted to the Ohio Public Facilities Commission by 63113  
prior acts of the General Assembly to reflect the amount of net 63114  
proceeds of those tobacco obligations deposited into Fund 034, 63115  
Higher Education Improvement Fund, that are intended to replace 63116  
general obligations for the purpose. 63117

(B) When any of the determinations, transfers, and increases 63118  
or decreases in appropriations and authorizations described in 63119  
division (A) of this section have been completed, the Office of 63120  
Budget and Management shall make a report to the Controlling Board 63121  
at its next regularly scheduled meeting. 63122

**Section 518.06.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 63123

Certain appropriations are in this act for the purpose of 63124  
paying debt service and financing costs on general obligation 63125  
bonds or notes of the state issued pursuant to the Ohio 63126  
Constitution and acts of the General Assembly. If it is determined 63127  
that additional appropriations are necessary for this purpose, 63128  
such amounts are hereby appropriated. 63129

**Section 518.09.** LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 63130  
STATE 63131

Certain appropriations are in this act for the purpose of 63132

making lease rental payments pursuant to leases and agreements 63133  
relating to bonds or notes issued by the Ohio Building Authority 63134  
or the Treasurer of State or, previously, by the Ohio Public 63135  
Facilities Commission, pursuant to the Ohio Constitution and acts 63136  
of the General Assembly. If it is determined that additional 63137  
appropriations are necessary for this purpose, such amounts are 63138  
hereby appropriated. 63139

**Section 518.12.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 63140  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 63141

The Office of Budget and Management shall initiate and 63142  
process disbursements from general obligation and lease rental 63143  
payment appropriation items during the period from July 1, 2007, 63144  
to June 30, 2009, relating to bonds or notes issued under Sections 63145  
2i, 2k, 2l, 2m, 2n, 2o, 2p and 15 of Article VIII, Ohio 63146  
Constitution, and Chapters 151. and 154. of the Revised Code. 63147  
Disbursements shall be made upon certification by the Treasurer of 63148  
State, Office of the Sinking Fund, of the dates and the amounts 63149  
due on those dates. 63150

**Section 521.03.** STATE AND LOCAL REBATE AUTHORIZATION 63151

There is hereby appropriated, from those funds designated by 63152  
or pursuant to the applicable proceedings authorizing the issuance 63153  
of state obligations, amounts computed at the time to represent 63154  
the portion of investment income to be rebated or amounts in lieu 63155  
of or in addition to any rebate amount to be paid to the federal 63156  
government in order to maintain the exclusion from gross income 63157  
for federal income tax purposes of interest on those state 63158  
obligations under section 148(f) of the Internal Revenue Code. 63159

Rebate payments shall be approved and vouchered by the Office 63160  
of Budget and Management. 63161

**Section 521.06.** STATEWIDE INDIRECT COST RECOVERY 63162

Whenever the Director of Budget and Management determines 63163  
that an appropriation made to a state agency from a fund of the 63164  
state is insufficient to provide for the recovery of statewide 63165  
indirect costs under section 126.12 of the Revised Code, the 63166  
amount required for such purpose is hereby appropriated from the 63167  
available receipts of such fund. 63168

**Section 521.07.** GRF TRANSFERS ON BEHALF OF THE STATEWIDE 63169  
INDIRECT COST ALLOCATION PLAN 63170

The total transfers made from the General Revenue Fund by the 63171  
Director of Budget and Management under this section shall not 63172  
exceed the amounts transferred into the General Revenue Fund under 63173  
division (B) of section 126.12 of the Revised Code. 63174

The director of an agency may certify to the Director of 63175  
Budget and Management the amount of expenses not allowed to be 63176  
included in the Statewide Indirect Cost Allocation Plan under 63177  
federal regulations, from any fund included in the Statewide 63178  
Indirect Cost Allocation Plan, prepared as required by section 63179  
126.12 of the Revised Code. 63180

Upon determining that no alternative source of funding is 63181  
available to pay for such expenses, the Director of Budget and 63182  
Management may transfer from the General Revenue Fund into the 63183  
fund for which the certification is made, up to the amount of the 63184  
certification. The director of the agency receiving such funds 63185  
shall include, as part of the next budget submission prepared 63186  
under section 126.02 of the Revised Code, a request for funding 63187  
for such activities from an alternative source such that further 63188  
federal disallowances would not be required. 63189

**Section 521.12.** FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 63190

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and re-establish all or part of encumbrances in like amounts within the funds identified by the plan. The amounts necessary to re-establish all or part of encumbrances are hereby appropriated.

AUTO EMISSIONS TESTING PROGRAM

On July 1 of each fiscal year or as soon as possible thereafter the Director of Budget and Management shall transfer \$14,817,105 for use in fiscal year 2008 and \$15,057,814 for use in fiscal year 2009 from the Highway Operating Fund (Fund 002) to the Auto Emissions Test Fund (Fund 5BY) in the budget of the Ohio Environmental Protection Agency for the operation and costs for oversight of the auto emissions testing program. This cash transfer represents Congestion Mitigation and Air Quality (CMAQ) program moneys within the Department of Transportation for use by the auto emissions testing program (E-check) by the Ohio Environmental Protection Agency. The allocation shall not reduce the total amount of such moneys designated for metropolitan planning organizations.

**\*Section 603.05.** That Section 310.10 of Am. Sub. H.B. 67 of the 127th General Assembly be amended to read as follows:

**Sec. 310.10.** In proceeding with the construction project involving United States Route 68 in Champaign County, the Director of Transportation shall credit the proceeds from any sale of land previously acquired for the project to the local matching funds required for the project.

The Director of Transportation shall make available \$1,000,000 over the fiscal year 2008-2009 biennium for improvements to the State Route 33 Avery Muirfield Interchange.

The Director shall determine how to fund the project with either 63221  
state or federal moneys. 63222

\*Section 603.06. That existing Section 310.10 of Am. Sub. 63223  
H.B. 67 of the 127th General Assembly is hereby repealed. 63224

Section 605.05. That Section 252.70 of Am. Sub. H.B. 530 of 63225  
the 126th General Assembly be amended to read as follows: 63226

Reappropriations

Sec. 252.70. OSU OHIO STATE UNIVERSITY 63227

CAP-074	Basic Renovations	\$	19,255,664	63228
CAP-149	Basic Renovations - Regional Campuses	\$	2,083,163	63229
CAP-198	Brown Hall Annex Replacement	\$	6,213	63230
CAP-254	Basic Renovations - ATI	\$	127,444	63231
CAP-255	Supplemental Renovations - OARDC	\$	2,826,343	63232
CAP-256	Supplemental Renovations - Regional	\$	191,955	63233
CAP-258	Dreese Lab Addition	\$	12,340	63234
CAP-261	Bioscience/Parks Hall Addition	\$	12,584	63235
CAP-269	Greenhouse Modernization	\$	40,982	63236
CAP-271	Horticulture/Entomology Greenhouse - OARDC	\$	15,344	63237
CAP-292	Life Sciences Research Building	\$	202,898	63238
CAP-302	Food Science & Technology Building	\$	89,990	63239
CAP-306	Heart & Lung Institute	\$	32,437	63240
CAP-311	Superconducting Radiation	\$	65,094	63241
CAP-313	Brain Tumor Research Center	\$	6,001	63242
CAP-314	Engineering Center Net Shape Manufacturing	\$	20,730	63243
CAP-315	Membrane Protein Typology	\$	8,835	63244
CAP-316	Instructional and Data Processing Equipment	\$	198,844	63245
CAP-321	Fine Particle Technologies	\$	157,936	63246

CAP-323	Advanced Plasma Engineering	\$	22,379	63247
CAP-324	Plasma Ramparts	\$	1,150	63248
CAP-326	IN-SITU AL-BE Composites	\$	1,733	63249
CAP-335	Jay Cooke Residence - Roof and Windows	\$	86,668	63250
CAP-347	Asbestos Abatement	\$	5,325	63251
CAP-349	Materials Network	\$	91,983	63252
CAP-350	Bio-Technology Consortium	\$	42,378	63253
CAP-352	Analytical Electron Microscope	\$	375,000	63254
CAP-353	High Temp Alloys & Alluminoids	\$	220,000	63255
CAP-357	Supplemental Renovations - ATI	\$	33,969	63256
CAP-361	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	63257
CAP-362	McPherson Lab Rehabilitation	\$	10,278	63258
CAP-368	Heart and Lung Institute	\$	101,808	63259
CAP-374	ADA Modifications	\$	178,870	63260
CAP-375	ADA Modifications - ATI	\$	41,936	63261
CAP-376	ADA Modifications - Lima	\$	95,538	63262
CAP-377	ADA Modifications - Mansfield	\$	15,253	63263
CAP-387	Titanium Alloys	\$	54,912	63264
CAP-394	ATI/OARDC Roof Replacements	\$	13,913	63265
CAP-398	Advanced Manufacturing	\$	38,579	63266
CAP-399	Manufacturing Processes/Materials	\$	62,574	63267
CAP-401	Terhertz Studies	\$	35,294	63268
CAP-406	Marion Park/Road/Sidewalk/Lights	\$	2,750	63269
CAP-413	Pomerene Lighting/Wiring	\$	249,584	63270
CAP-419	NMR Consortium	\$	75,116	63271
CAP-420	Versatile Film Facility	\$	62,872	63272
CAP-421	OCARNET	\$	5,916	63273
CAP-422	Bioprocessing Research	\$	1,905	63274
CAP-423	Localized Corrosion Research	\$	6,128	63275
CAP-424	ATM Testbed	\$	3,633	63276
CAP-425	Physical Sciences Building	\$	27,748	63277
CAP-427	Morrill Hall Remodeling - Vacated	\$	1,347,191	63278

	Library Space - Marion			
CAP-431	Sisson Hall Replacement	\$	5,571	63279
CAP-436	Machinery Acoustics	\$	3,804	63280
CAP-439	Sensors and Measurements	\$	15,115	63281
CAP-440	Polymer Magnets	\$	1,099	63282
CAP-458	Al Alloy Corrosion	\$	14,292	63283
CAP-484	Page Hall Planning	\$	7,210	63284
CAP-485	Botany & Zoology Building Planning	\$	207,932	63285
CAP-486	Larkins Hall Addition/Renovation Planning	\$	26,206	63286
CAP-487	Robinson Laboratory Planning	\$	149,100	63287
CAP-488	Don Scott Field Replacement Barns	\$	1,495,619	63288
CAP-489	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	63289
CAP-491	Horticultural Operations Center - ATI	\$	1,474,400	63290
CAP-492	OARDC Feed Mill	\$	5,598,644	63291
CAP-499	Biological Sciences Cooling Tower	\$	6,930	63292
CAP-509	Mount Hall HVAC Modifications	\$	40,982	63293
CAP-519	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	63294
CAP-520	Plant and Microbe Functional Genomics Facilities	\$	16,259	63295
CAP-523	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	193,886	63296
CAP-524	Bone & Mineral Metabolism Research Lab	\$	5,845	63297
CAP-531	Animal & Plant Biology Level 3	\$	8,133,780	63298
CAP-534	Main Library Rehabilitation	\$	9,320,846	63299
CAP-535	Psychology Building	\$	2,128,529	63300
CAP-536	Thorne Hall and Gowley Hall Renovations - Phase 3	\$	199,799	63301
CAP-539	Nanosecond Infrared Measurement	\$	2,588	63302
CAP-550	Millimeter/Submillimeter Instrument	\$	5,919	63303
CAP-552	X-Ray Powder Diffractometer	\$	558	63304



CAP-554	Deconvolution Microscope	\$	1,101	63305
CAP-556	Heart/Lung Institute Animal Facility	\$	13,140	63306
CAP-564	Denney Hall Renovation - Phase I	\$	18,495	63307
CAP-565	Ion Mass Spectrometry	\$	6,594	63308
CAP-568	Role of Molecular Interfaces	\$	17,554	63309
CAP-572	New Millimeter Spectrometer	\$	714	63310
CAP-574	Noncredit Job Training - Marion	\$	2,933	63311
CAP-576	1224 Kinnear Road - Bale	\$	11,722	63312
CAP-577	Non-Silicon Micromachining	\$	73,991	63313
CAP-579	Veterinary Hospital Auditorium Renovation	\$	7,736	63314
CAP-586	Electroscience Lab Renovation	\$	5,853	63315
CAP-587	OARDC Boiler Replacement	\$	622,757	63316
CAP-590	Supercomputer Center Expansion	\$	6,804,275	63317
CAP-596	Information Literacy	\$	135,574	63318
CAP-597	Online Business Major	\$	5,768	63319
CAP-599	Renovation of Graves Hall	\$	68,196	63320
CAP-602	OARDC Wooster Phone System Replacement	\$	467,398	63321
CAP-605	Utility - North Tunnel Steamline Upgrade	\$	111,981	63322
CAP-608	Dual Beam Characterization	\$	150,000	63323
CAP-616	Environmental Technology Consortium	\$	11,297	63324
CAP-617	Campbell, University, and Evans Hall	\$	87,439	63325
CAP-620	School of Music - Planning	\$	1,500	63326
CAP-622	Western Branch Headquarters & Machinery Building	\$	779,525	63327
CAP-624	Muck Crops Branch/Shop Building Replacement	\$	756,336	63328
CAP-625	Hazardous Waste Handling/Storage Building	\$	1,103,062	63329
CAP-626	Agriculture/Engineering Building Renovation & Addition	\$	200,000	63330
CAP-628	Wood County Center for Agriculture	\$	1,000,000	63331
CAP-629	Community Heritage Art Gallery - Lima	\$	100,000	63332

CAP-631	Health Psychology	\$	250,000	63333
CAP-632	Nanotechnology Molecular Assembly	\$	500,000	63334
CAP-633	Networking and Communication	\$	500,000	63335
CAP-634	Planetary Gear	\$	125,000	63336
CAP-635	X-Ray Fluorescence Spectrometer	\$	2,283	63337
CAP-636	Precision Navigation	\$	85,000	63338
CAP-637	Welding & Metal Working	\$	200,000	63339
CAP-638	Spin Driven Electronics	\$	6,436	63340
CAP-639	Inductively Coupled Plasma Etching	\$	126,729	63341
CAP-641	Accelerated Metals	\$	1,020,331	63342
CAP-642	Mathematical Biosciences Institute	\$	54,863	63343
CAP-646	Mershon Auditorium HVAC System Improvements	\$	2,098	63344
CAP-647	Molecular Microdevices	\$	14,033	63345
CAP-648	Research Center HVAC System Improvements	\$	17,088	63346
CAP-649	Infrared Absorption Measurements	\$	2,899	63347
CAP-650	Dark Fiber	\$	3,983,440	63348
CAP-651	Shared Data Backup System	\$	20,922	63349
CAP-653	Third Frontier Network Testbed	\$	280,564	63350
CAP-654	Distributed Learning Workshop	\$	270,000	63351
CAP-656	Accelerated Maturation of Materials	\$	209,702	63352
CAP-657	Nanoscale Polymers Manufacturing	\$	629,699	63353
CAP-658	Hydrogen Production and Storage	\$	32,396	63354
CAP-659	Ohio Organic Semiconductor	\$	367,587	63355
CAP-663	Comprehensive Cancer - Chiller Replacement	\$	42,687	63356
CAP-664	Kottman Hall - 103 Central Classroom	\$	19,285	63357
CAP-668	West Campus Chilled Water & Scott Hall	\$	16,139	63358
CAP-669	McCracken Power Plant Spill Control	\$	268,508	63359
CAP-670	Glacial Assessment	\$	22,764	63360
CAP-672	Chemical Vapor Deposition	\$	13,500	63361
CAP-674	Parks Hall Chiller Replacement	\$	135,360	63362
CAP-675	Hybrid Electric Vehicle Modeling	\$	504,536	63363

CAP-676	Computational Nanotechnology	\$	500,000	63364
CAP-677	Townshend Hall - Roof Replacement	\$	328,772	63365
CAP-678	Center For Materials Design	\$	1,037	63366
CAP-681	Vet Hospital Roof Replacement Phase II	\$	85,645	63367
CAP-682	Hopkins Hall Phase II Priorities I, II	\$	108,052	63368
CAP-683	Bioscience 6th Floor Renovation - Priority	\$	983,186	63369
CAP-684	Ohio Commons For Digital Education	\$	118,924	63370
CAP-685	Postle Hall Fire Alarm Replacement	\$	116,441	63371
CAP-686	NonCredit Job Education & Training	\$	21,104	63372
CAP-687	Campus South Dorms Renovation/Improvements	\$	950,000	63373
CAP-688	Bricker Hall Roof Replacement	\$	23,123	63374
CAP-694	Neuroscience Center Core	\$	193,991	63375
CAP-696	Campus Grounds-Exterior Lighting - Phase VIII	\$	33,814	63376
CAP-697	930 Kinnear Road Renovations	\$	773,303	63377
CAP-698	Waterman Lab & Don Scott Field	\$	652,752	63378
CAP-699	Lincoln Tower Renovations - Phase 1	\$	477,626	63379
CAP-700	Coe Corrosion Coop	\$	58,750	63380
CAP-701	OSU Cancer Program Expansion	\$	2,000,000	63381
CAP-702	Smith Laboratory Rehabilitation	\$	2,800,000	63382
CAP-704	Warner Library and Student Center	\$	1,789,324	63383
CAP-705	Hopewell Hall Science Suite	\$	508,408	63384
CAP-706	Atomic Force Microscopy	\$	180,000	63385
CAP-707	Interactive Applications	\$	463,018	63386
CAP-712	OSU Mansfield - Third Street Project	\$	234,000	63387
CAP-714	Health Psychology	\$	150,000	63388
CAP-716	Ohio Bioproducts Innovation Center	\$	9,689,847	63389
CAP-717	Center for Materials Design	\$	602,615	63390
CAP-718	Specialized Planetary Gears	\$	150,000	63391
CAP-719	OSU Agricultural Building	\$	1,500,000	63392
CAP-720	Automated Afm System	\$	180,000	63393

CAP-721	Integrated Wireless Communication	\$	141,000	63394
Total Ohio State University		\$	105,955,671	63395
	BASIC RENOVATIONS			63396
	The amount reappropriated for the foregoing appropriation			63397
	item CAP-074, Basic Renovations, is the sum of the unencumbered			63398
	and unallotted balance as of June 30, 2006, in appropriation item			63399
	CAP-074, Basic Renovations, plus \$6,927.			63400
	OARDC THORNE & GOURLEY HALL			63401
	The amount reappropriated for the foregoing appropriation			63402
	item CAP-274, OARDC Thorne & Gourley Hall shall be \$1,007.			63403
	WOOD COUNTY CENTER FOR AGRICULTURE			63404
	Of the foregoing appropriation item CAP-628, Wood County			63405
	Center for Agriculture, up to \$300,000 shall be used for building			63406
	renovations to the OSU Extension Office/Ag Business Enhancement			63407
	Center.			63408
	<u>The remainder of appropriation item CAP-628, Wood County</u>			63409
	<u>Center for Agriculture, shall be used for an alternative energy</u>			63410
	<u>generation project at the East Gypsy Lane Complex in Wood County</u>			63411
	<u>or an agricultural energy facility recommended by the Wood County</u>			63412
	<u>commissioners.</u>			63413
	<b>Section 605.06.</b> That existing Section 252.70 of Am. Sub. H.B.			63414
	530 of the 126th General Assembly is hereby repealed.			63415
	<b>Section 621.05.</b> That Section 153 of Am. Sub. H.B. 117 of the			63416
	121st General Assembly, as most recently amended by Am. Sub. H.B.			63417
	66 of the 126th General Assembly, be amended to read as follows:			63418
	<b>Sec. 153.</b> (A) Sections 5112.01, 5112.03, 5112.04, 5112.05,			63419
	5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18,			63420
	5112.19, 5112.21, and 5112.99 of the Revised Code are hereby			63421

repealed, effective October 16, ~~2007~~ 2009. 63422

(B) Any money remaining in the Legislative Budget Services 63423  
Fund on October 16, ~~2007~~ 2009, the date that section 5112.19 of 63424  
the Revised Code is repealed by division (A) of this section, 63425  
shall be used solely for the purposes stated in then former 63426  
section 5112.19 of the Revised Code. When all money in the 63427  
Legislative Budget Services Fund has been spent after then former 63428  
section 5112.19 of the Revised Code is repealed under division (A) 63429  
of this section, the fund shall cease to exist. 63430

**Section 621.06.** That existing Section 153 of Am. Sub. H.B. 63431  
117 of the 121st General Assembly, as most recently amended by Am. 63432  
Sub. H.B. 66 of the 126th General Assembly, is hereby repealed. 63433

**Section 703.10.** The Governor's Office of Faith-Based and 63434  
Community Initiatives, with the assistance of the Advisory Board 63435  
of the Governor's Office of Faith-Based and Community Initiatives, 63436  
shall conduct a study of the feasibility and advisability of the 63437  
Office becoming a private nonprofit entity rather than a part of 63438  
the Governor's office. The study and any resulting recommendations 63439  
shall be submitted, not later than July 1, 2008, to the Governor, 63440  
the Speaker of the House of Representatives, the President of the 63441  
Senate, and the Minority Leaders of the House of Representatives 63442  
and the Senate. 63443

**Section 706.03.** (A) As used in this section, "appointing 63444  
authority" has the same meaning as in section 124.01 of the 63445  
Revised Code, and "exempt employee" has the same meaning as in 63446  
section 124.152 of the Revised Code. 63447

(B) Notwithstanding section 124.181 of the Revised Code, both 63448  
of the following apply: 63449

(1) In cases where no vacancy exists, an appointing authority 63450

may, with the written consent of an exempt employee, assign duties 63451  
of a higher classification to that exempt employee for a period of 63452  
time not to exceed two years, and that exempt employee shall 63453  
receive compensation at a rate commensurate with the duties of the 63454  
higher classification. 63455

(2) If necessary, exempt employees who are assigned to duties 63456  
within their agency to maintain operations during the Ohio 63457  
Administrative Knowledge System (OAKS) implementation may agree to 63458  
a temporary assignment that exceeds the two-year limit. 63459

**Section 737.10.** (A) Notwithstanding any provision of law to 63460  
the contrary, the Public Health Council shall rescind rules 63461  
adopted by the Council under section 3718.02 of the Revised Code, 63462  
as it existed prior to its repeal by this act, that took effect on 63463  
January 1, 2007. At the same time as those rules are rescinded, 63464  
the Council shall adopt rules that are identical to the rules 63465  
adopted by the Council that were in effect prior to January 1, 63466  
2007, and were codified in Chapter 3701-29 of the Administrative 63467  
Code. 63468

(B) The rescission and adoption of rules under division (A) 63469  
of this section are not subject to section 119.03 of the Revised 63470  
Code. However, the Public Health Council shall file the rules in 63471  
accordance with section 119.04 of the Revised Code. Upon that 63472  
filing, the rules take immediate effect. 63473

**Section 739.10.** Section 3905.36 of the Revised Code is 63474  
amended by this act for the purpose of clarifying the intent of 63475  
the 126th General Assembly when it amended division (B)(4) of 63476  
section 3905.36 of the Revised Code. Notwithstanding any provision 63477  
of section 3905.36 of the Revised Code to the contrary, all 63478  
agencies and departments of the state or any political subdivision 63479  
shall apply the legislative intent from this amendment as of 63480

January 1, 2007. 63481

**Section 753.10.** The duties of an owner of residential rental 63482  
property to comply with and of a county auditor to accept 63483  
compliance with sections 5323.01, 5323.02, 5323.03, 5323.04, and 63484  
5323.99 of the Revised Code in a county are tolled until the board 63485  
of county commissioners adopts a resolution under the first 63486  
paragraph of section 5323.011 of the Revised Code. 63487

**Section 753.20.** (A) The staff of the Legislative Service 63488  
Commission shall study the feasibility and potential results of 63489  
the state's offering incentives for local entities, including 63490  
municipal corporations, counties, townships, local historical 63491  
societies, and regional authorities, to assume control of state 63492  
historical sites. The incentives to be studied shall include the 63493  
establishment of tax credits, the contribution of capital dollars, 63494  
and the creation of an endowment-matching program. 63495

The study shall focus on the cost and funding aspects of the 63496  
incentives that are studied. In addition, the study shall attempt 63497  
to determine the potential results of providing each incentive at 63498  
varying levels. 63499

(B) Not later than six months after the effective date of 63500  
this section, the staff of the Commission shall report its 63501  
findings to the Commission. 63502

**\*Section 755.03.** The Director of Transportation may conduct a 63503  
twelve-month pilot project to be completed not later than June 30, 63504  
2009, for energy price risk management by entering into a contract 63505  
with a qualified provider of energy risk management services. The 63506  
contract may include rate analysis, negotiation services, market 63507  
and regulatory analysis, budget and financial analysis, and 63508  
mitigation strategies for volatile energy sources, including 63509  
natural gas, gasoline, oil, and diesel fuel, but shall not include 63510

energy procurement and shall not subject more than thirty per cent 63511  
of the Department's annual energy needs to the risk management 63512  
services. The Director shall select the energy risk management 63513  
services provider through a qualifications-based selection 63514  
process, subject to Controlling Board approval. The contract shall 63515  
specify that the Department may share the analysis and services of 63516  
the energy risk management services provider with all state 63517  
agencies and operations. The Director may use revenues from the 63518  
state motor vehicle fuel tax or other funds appropriated by the 63519  
General Assembly for the pilot project to pay amounts due under 63520  
the contract and shall deposit any amounts received under the 63521  
contract into the Highway Operating Fund created under section 63522  
5735.291 of the Revised Code. 63523

**Section 757.03.** (A) Beginning in July 2007 and ending in 63524  
November 2007, on or before the seventh day of each month, the Tax 63525  
Commissioner shall determine and certify to the Director of Budget 63526  
and Management the amount to be credited from each tax source 63527  
under divisions (B), (C), and (D) of this section to the Local 63528  
Government Fund, the Library and Local Government Support Fund, 63529  
and the Local Government Revenue Assistance Fund. 63530

(B) Notwithstanding sections 5727.45, 5727.84, 5733.12, 63531  
5739.21, 5741.03, and 5747.03 of the Revised Code or any other 63532  
provision of law to the contrary, for each month in the period 63533  
beginning July 1, 2007, and ending November 30, 2007, tax revenues 63534  
credited to the Local Government Fund, the Library and Local 63535  
Government Support Fund, and the Local Government Revenue 63536  
Assistance Fund under those sections shall instead be credited as 63537  
follows: 63538

(1) An amount shall first be credited to the Local Government 63539  
Fund as prescribed under division (C) of this section; 63540

(2) An amount shall next be credited to the Local Government 63541



Revenue Assistance Fund as prescribed under division (C) of this section; 63542  
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(3) An amount shall next be credited to the Library and Local Government Support Fund as prescribed under division (D) of this section. 63544  
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In December 2007, an amount totaling \$1,000,000 shall be credited from amounts otherwise scheduled to be credited to the Local Government Fund to the Local Government Services Collaboration Grant Fund established under Section 383.20 of this act. 63547  
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(C) Receipts from the corporation franchise, sales and use, public utility excise, kilowatt-hour, and personal income taxes shall be credited to the Local Government Fund and the Local Government Revenue Assistance Fund as follows: 63552  
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(1) In July 2007, the amount that was credited in July 2006; 63556

(2) In August 2007, the amount that was credited in August 2006; 63557  
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(3) In September 2007, the amount that was credited in September 2006; 63559  
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(4) In October 2007, the amount that was credited in October 2006; 63561  
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(5) In November 2007, the amount that was credited in November 2006, except that the amount credited to the Local Government Fund from personal income tax revenue shall be reduced by an additional \$1,000,000 and this reduction shall be borne entirely by the countywide nontownship and nonvillage distribution in January 2008. 63563  
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(D) Receipts from the personal income tax shall be credited to the Library and Local Government Support Fund as follows: 63569  
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(1) In July 2007, the amount that was credited in July 2006; 63571

(2) In August 2007, the amount that was credited in August 2006; 63572  
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(3) In September 2007, the amount that was credited in September 2006; 63574  
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(4) In October 2007, the amount that was credited in October 2006; 63576  
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(5) In November 2007, the amount that was credited in November 2006. 63578  
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(E)(1) To the extent the amounts required to be credited to the Local Government Fund, the Library and Local Government Support Fund, and the Local Government Revenue Assistance Fund under divisions (C) and (D) of this section exceed the amounts that otherwise would have been credited to those funds under sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised Code, amounts required to be credited to the General Revenue Fund under those sections shall be reduced accordingly. 63580  
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(2) To the extent the amounts required to be credited to the Local Government Fund, the Library and Local Government Support Fund, and the Local Government Revenue Assistance Fund under divisions (C) and (D) of this section are less than the amounts that otherwise would have been credited to those funds under sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised Code, amounts required to be credited to the General Revenue Fund under those sections shall be increased accordingly. 63589  
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(F) The total amount credited each month under this section to the Local Government Fund, the Library and Local Government Support Fund, and the Local Government Revenue Assistance Fund shall be distributed on or before the tenth day of the immediately succeeding month as follows: 63598  
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(1) Each county undivided Local Government Fund shall receive a distribution from the Local Government Fund that is based upon its proportionate share of the total amount received by it from the fund in the same month during the preceding calendar year.

(2) Each municipal corporation receiving a direct distribution from the Local Government Fund shall receive a distribution that is based upon its proportionate share of the total amount received by it from the fund in the same month during the preceding calendar year.

(3) Each county undivided Local Government Revenue Assistance Fund shall receive a distribution from the Local Government Revenue Assistance Fund that is based upon its proportionate share of the total amount received by it from the fund in the same month during the preceding calendar year.

(4) Each county undivided Library and Local Government Support Fund shall receive a distribution from the Library and Local Government Support Fund that is based upon its proportionate share of the total amount received by it from the fund in the same month during the preceding calendar year.

(G) Distributions shall not be made in accordance with sections 5747.47 and 5747.50 of the Revised Code until January 1, 2008.

(H) Notwithstanding section 5747.47 of the Revised Code, the Tax Commissioner is not required to issue the certification required by that section to be made in December 2007 for calendar year 2007. The Tax Commissioner may, as the Commissioner considers appropriate, provide to each county auditor additional revised estimates or other information relating to distributions in 2007, 2008, or 2009 at any time during the period beginning July 1, 2007, and ending June 30, 2009.

(I)(1) Notwithstanding division (A) of section 131.51 of the

Revised Code, on or before January 5, 2008, the Director of Budget and Management shall credit to the Local Communities Fund an amount equal to three and sixty-eight one-hundredths 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 Communities Fund under division (I)(1) of this section shall be distributed in January 2008 in accordance with section 5747.50 of the Revised Code.

(2) Notwithstanding division (B) of section 131.51 of the 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 twenty-two one-hundredths 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 63666  
shall be used by the Tax Commissioner for purposes of determining 63667  
the guaranteed share of the Local Libraries Fund in section 63668  
5747.46 of the Revised Code for the 2008 distribution year and 63669  
shall be used by the Commissioner in making: 63670

(A) The calendar year 2008 estimated entitlements of the 63671  
Local Libraries Fund required by section 5747.47 of the Revised 63672  
Code to be certified to county auditors in July 2007, December 63673  
2007, and June 2008; and 63674

(B) The calendar year 2008 actual Local Libraries Fund 63675  
entitlement computations required by section 5747.47 of the 63676  
Revised Code to be certified to county auditors in December 2008. 63677

**Section 757.07.** For tax years 2007 and thereafter, telephone, 63678  
telegraph, and interexchange telecommunications companies, as 63679  
defined in section 5727.01 of the Revised Code, shall list taxable 63680  
property at the percentage of true value required in Chapter 5711. 63681  
of the Revised Code. For purposes of assigning taxable valuation 63682  
to each taxing district for those years, the Tax Commissioner 63683  
shall continue to use the apportionment provisions of Chapter 63684  
5727. of the Revised Code. However, such property shall be listed 63685  
by the county auditor and certified to the county treasurer for 63686  
collection under the provisions applicable to the general tax list 63687  
of personal property and not upon the tax list and duplicate of 63688  
real and public utility personal property. 63689

**Section 757.08.** Resolutions adopted by a board of township 63690  
trustees of a limited home rule township pursuant to Chapter 504. 63691  
and section 5709.73 of the Revised Code in December 2005 are 63692  
hereby deemed to have had an immediate effective date if the board 63693  
unanimously adopts a resolution so declaring. 63694

**Section 757.10.** The Department of Administrative Services, in 63695

conjunction with the Department of Taxation, may acquire the State Taxation Revenue and Accounting System (STARS) pursuant to Chapter 125. of the Revised Code, including, but not limited to, the application software and installation and implementation thereof, for the use of the Department of Taxation. STARS is an integrated tax collection and audit system that will replace all of the state's existing separate tax software and administration systems for the various taxes collected by the state. Any lease-purchase arrangement used under Chapter 125. of the Revised Code to acquire STARS, including any fractionalized interests therein as defined in division (N) of section 133.01 of the Revised Code, must provide that at the end of the lease period, STARS becomes the property of the state.

**Section 757.20.** (A)(1) The county auditor of each county that is included in whole or in part in the Muskingum Watershed Conservancy District shall include with the second half tax bill that is required to be mailed in 2007 in accordance with section 323.13 of the Revised Code the notice that is required to be prepared under division (A)(2) of this section. The notice shall be included in the second half tax bill of each person on the tax duplicate whose property is located in the Muskingum Watershed Conservancy District and subject to the maintenance assessment referred to in division (A)(2) of this section. The notice shall be included with the second half tax bill notwithstanding division (D) of section 323.131 of the Revised Code.

(2) The board of directors of the Muskingum Watershed Conservancy District shall prepare written notification of the maintenance assessment to be levied by the District under section 6111.53 of the Revised Code that is scheduled to begin collection in calendar year 2008. The notification shall be prepared for inclusion in the 2007 second half tax bill of each person that is required to receive the notification under division (A)(1) of this

section. For each person receiving a second half tax bill in 2007 63728  
and required to receive the notification under that division, the 63729  
notification shall include a statement that the District intends 63730  
to levy the maintenance assessment and shall include an indication 63731  
of the amount of the assessment that is applicable to that person. 63732  
The board of directors shall take whatever actions are necessary 63733  
and work with each applicable county auditor to ensure that the 63734  
notifications are included with the second half tax bills as 63735  
required by this section. 63736

(B) With respect to persons that will be subject to the 63737  
maintenance assessment to be levied by the Muskingum Watershed 63738  
Conservancy District under section 6111.53 of the Revised Code 63739  
that is scheduled to begin collection in calendar year 2008, but 63740  
that do not receive a second half tax bill in 2007 or that do not 63741  
otherwise receive the notification that is required to be included 63742  
in the tax bill under division (A) of this section, the board of 63743  
directors of the District shall cause to be sent by United States 63744  
mail a notification of the assessment. The contents of the 63745  
notification shall be the same as those that are specified for the 63746  
notification that is required under division (A) of this section. 63747  
The notification shall be sent not later than one hundred twenty 63748  
days prior to the date on which the maintenance assessment is 63749  
effective. 63750

(C) If the board of directors of the Muskingum Watershed 63751  
Conservancy District fails to comply with divisions (A) and (B) of 63752  
this section, the maintenance assessment that is scheduled to 63753  
begin collection in calendar year 2008 shall not be collected. 63754  
However, the board of directors subsequently may collect the 63755  
maintenance assessment if the board gives notification of the 63756  
maintenance assessment to every person that is required to receive 63757  
the notification under divisions (A) and (B) of this section. The 63758  
notification shall include the information that is required to be 63759

included under division (A)(2) of this section. 63760

**Section 803.03.** The amendment by this act of sections 63761  
3119.022, 3119.023, 3119.29, and 3119.30 of the Revised Code first 63762  
applies on February 1, 2008, or on the effective date of 63763  
regulations defining "reasonable cost" issued by the United States 63764  
Secretary of Health and Human Services, whichever is later. 63765

**Section 803.06.** (A) The amendment by this act of sections 63766  
323.151, 323.152, 323.153, and 323.154 of the Revised Code applies 63767  
to the tax year that includes the sixtieth day after the initial 63768  
crediting of money to an improvement fund, as defined in section 63769  
183.51 of the Revised Code, from the sale of securities issued 63770  
under that section, and to each tax year thereafter. 63771

(B) The amendment by this act of sections 4503.064, 4503.065, 63772  
4503.066, and 4503.067 of the Revised Code applies to the tax year 63773  
following the first tax year to which the amendment of sections 63774  
323.151, 323.152, 323.153, and 323.154 of the Revised Code applies 63775  
as provided in division (A) of this section, and to each tax year 63776  
thereafter. 63777

**Section 803.09.** The amendment or enactment by this act of 63778  
section 4505.06, division (B)(23) of section 5739.02, and sections 63779  
5739.029, 5739.033, and 5739.213 of the Revised Code apply to 63780  
sales described in division (A) of section 5739.029 of the Revised 63781  
Code on or after August 1, 2007. 63782

**Section 806.03.** The sections and items of law contained in 63783  
this act, and their applications, are severable. If any section or 63784  
item of law contained in this act, or if any application of any 63785  
section or item of law contained in this act, is held invalid, the 63786  
invalidity does not affect other sections or items of law 63787  
contained in this act and their applications that can be given 63788



effect without the invalid section or item of law or application. 63789

**Section 809.03.** An item of law, other than an amending, 63790  
enacting, or repealing clause, that composes the whole or part of 63791  
an uncodified section contained in this act has no effect after 63792  
June 30, 2009, unless its context clearly indicates otherwise. 63793

**Section 812.03.** Except as otherwise specifically provided in 63794  
this act, the codified sections of law amended or enacted in this 63795  
act, and the items of law of which the codified sections of law 63796  
amended or enacted in this act are composed, are subject to the 63797  
referendum. Therefore, under Ohio Constitution, Article II, 63798  
Section 1c and section 1.471 of the Revised Code, the codified 63799  
sections of law amended or enacted by this act, and the items of 63800  
law of which the codified sections of law as amended or enacted by 63801  
this act are composed, take effect on the ninety-first day after 63802  
this act is filed with the Secretary of State. If, however, a 63803  
referendum petition is filed against any such codified section of 63804  
law as amended or enacted by this act, or against any item of law 63805  
of which any such codified section of law as amended or enacted by 63806  
this act is composed, the codified section of law as amended or 63807  
enacted, or item of law, unless rejected at the referendum, takes 63808  
effect at the earliest time permitted by law. 63809

**Section 812.06.** Except as otherwise specifically provided in 63810  
this act, the repeal by this act of a codified section of law is 63811  
subject to the referendum. Therefore, under Ohio Constitution, 63812  
Article II, Section 1c and section 1.471 of the Revised Code, the 63813  
repeal by this act of a codified section of law takes effect on 63814  
the ninety-first day after this act is filed with the Secretary of 63815  
State. If, however, a referendum petition is filed against any 63816  
such repeal, the repeal, unless rejected at the referendum, takes 63817  
effect at the earliest time permitted by law. 63818

**Section 812.09.** The sections of law amended, enacted, or repealed by this act that are listed in this section are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the sections, and the items of law of which they are composed, take effect as specified in this section. If, however, a referendum petition is filed against any such section as amended, enacted, or repealed, or against any item of law of which any such section as amended or enacted is composed, the section as amended, enacted, or repealed goes into effect at the earliest time permitted by law that is on or after the effective date specified in this section.

Section 5111.014 of the Revised Code takes effect January 1, 2008.

Sections 3317.05 and 3321.01 of the Revised Code take effect July 1, 2008.

**Section 812.12.** Uncodified sections of law amended or enacted in this act, and items of law contained within the uncodified sections of law amended or enacted in this act, that are marked with an asterisk are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the uncodified sections and items of law marked with an asterisk take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against an uncodified section or item of law marked with an asterisk, the uncodified section or item of law marked with an asterisk, unless rejected at the referendum, takes effect at the earliest time permitted by law.

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. 63849

An asterisk marking an uncodified section or item of law has 63850  
the form\*. 63851

This section defines the meaning and form of, but is not 63852  
itself to be considered marked with, an asterisk. 63853

**Section 815.03.** The sections of law amended or enacted by 63854  
this act that are listed in this section, and the items of law of 63855  
which such sections as amended or enacted by this act are 63856  
composed, are not subject to the referendum. Therefore, under Ohio 63857  
Constitution, Article II, Section 1d and section 1.471 of the 63858  
Revised Code, such sections as amended or enacted by this act, and 63859  
the items of law of which such sections as amended or enacted by 63860  
this act are composed, go into immediate effect when this act 63861  
becomes law. 63862

Sections 109.57 122.051, 122.071, 122.076, 122.17, 122.171, 63863  
122.174, 122.602, 124.152, 124.16, 126.24, 126.40, 127.16, 173.35, 63864  
183.01, 183.021, 183.17, 183.33, 183.34, 183.35, 183.51, 183.52, 63865  
340.03, 1503.05, 2927.023, 3109.04, 3109.041, 3119.022, 3119.023, 63866  
3119.29, 3119.30, 3301.0711, 3310.51, 3310.52, 3310.53, 3310.54, 63867  
3310.55, 3310.56, 3310.57, 3310.58, 3310.59, 3310.60, 3310.61, 63868  
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3317.012, 3317.013, 3317.014, 3317.015, 3317.016, 3317.017, 63871  
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5111.8814, 5112.341, 5119.611, 5123.01, 5123.033, 5123.045, 63878  
5123.0414, 5123.0415, 5123.051, 5123.16, 5123.161, 5123.162, 63879

5123.163, 5123.164, 5123.165, 5123.166, 5123.167, 5123.168, 63880  
5123.169, 5123.19, 5123.196, 5123.198, 5123.20, 5123.211, 5123.38, 63881  
5123.41, 5123.51, 5123.605, 5123.99, 5126.046, 5126.057, 5126.11, 63882  
5126.12, 5126.15, 5126.18, 5126.19, 5126.25, 5126.40, 5126.42, 63883  
5126.43, 5126.45, 5126.47, 5709.68, 5747.46, 5747.47, 5747.50, 63884  
5747.501, 5747.51, 5747.52, 5747.53, 5747.54, 5747.55, 5751.21, 63885  
5907.15, 5907.16, and 6111.0381 of the Revised Code. 63886

**Section 815.06.** The repeal by this act of the sections of law 63887  
listed in this section is not subject to the referendum. 63888  
Therefore, under Ohio Constitution, Article II, Section 1d and 63889  
section 1.471 of the Revised Code, the repeals go into immediate 63890  
effect when this act becomes law. 63891

Sections 183.02, 183.27, 183.32, 5123.16, 5123.182, 5123.199, 63892  
5126.053, 5126.431, 5126.44, 5126.451, 5747.61, 5747.62, and 63893  
5747.63 of the Revised Code. 63894

The version of section 3702.68 of the Revised Code that was 63895  
scheduled to take effect July 1, 2007. 63896

**Section 815.09.** The sections of law amended, enacted, or 63897  
repealed by this act that are listed in this section are not 63898  
subject to the referendum. Therefore, under Ohio Constitution, 63899  
Article II, Section 1d and section 1.471 of the Revised Code, the 63900  
sections as amended, enacted, or repealed, and the items of law of 63901  
which as amended or enacted they are composed, go into effect as 63902  
specified in this section. 63903

The version of section 127.16 of the Revised Code that is 63904  
scheduled to take effect July 1, 2007, takes effect July 1, 2007. 63905

Sections 5727.45, 5727.84, 5733.12, 5739.21, 5741.03, and 63906  
5747.03 of the Revised Code take effect December 1, 2007. 63907

Sections 118.01, 118.08, 118.17, 118.20, 118.23, 127.14, 63908  
131.44, 131.51, 133.10, 133.25, 135.35, 135.352, 152.31, 164.05, 63909

164.051, 307.021, 307.6910, 321.08, 709.191, 742.301, 3375.05, 63910  
3375.121, 3375.40, 3375.85, 4123.35, 5139.27, 5139.271, 5705.28, 63911  
5705.281, 5705.29, 5705.30, 5705.31, 5705.32, 5705.321, 5705.37, 63912  
5709.882, 5715.36, 5719.041, 5725.151, 5725.24, 5747.48, and 63913  
6121.043 of the Revised Code take effect January 1, 2008. 63914

**Section 815.12.** Except as otherwise specifically provided in 63915  
this act, the uncodified sections of law amended or enacted in 63916  
this act, and the items of law of which the uncodified sections of 63917  
law amended or enacted in this act are composed, are not subject 63918  
to the referendum. Therefore, under Ohio Constitution, Article II, 63919  
Section 1d and section 1.471 of the Revised Code, the uncodified 63920  
sections of law amended or enacted in this act, and the items of 63921  
law of which the uncodified sections of laws amended or enacted in 63922  
this act are composed, go into immediate effect when this act 63923  
becomes law. 63924

**Section 818.03.** The amendment or enactment by this act of the 63925  
sections of law listed in this section provides for or is 63926  
essential to implementation of a tax levy. Therefore, under Ohio 63927  
Constitution, Article II, Section 1d, the amendments and 63928  
enactments, and the items of which they are composed, are not 63929  
subject to the referendum and go into immediate effect when this 63930  
act becomes law. 63931

Sections 133.01, 319.202, 319.54, 322.01, 323.151, 323.152, 63932  
323.153, 323.154, 325.31, 1548.06, 4503.06, 4503.061, 4503.064, 63933  
4503.065, 4503.066, 4503.067, 4505.06, 4519.55, 5739.02, 5739.029, 63934  
5739.033, 5739.12, 5739.213, 5741.02, 5743.01, 5743.20, 5743.331, 63935  
5745.02, 5745.05, 5745.13, 5748.01, 5748.02, 5748.021, 5748.022, 63936  
5748.04, 5748.08, and 5751.23 of the Revised Code. 63937

**Section 818.06.** The repeal by this act of the sections of law 63938  
listed in this section provides for or is essential to 63939

implementation of a tax levy. Therefore, under Ohio Constitution, 63940  
Article II, Section 1d, the repeals are not subject to the 63941  
referendum and go into immediate effect when this act becomes law. 63942

Section 5743.331 of the Revised Code. 63943

**Section 821.06.** (A) Except as otherwise provided in division 63944  
(B) of this section, the amendments by this act to section 3317.02 63945  
of the Revised Code are not subject to the referendum. Therefore, 63946  
under Ohio Constitution, Article II, Section 1d and section 1.471 63947  
of the Revised Code, the amendments go into immediate effect. 63948

(B) The amendment to section 3317.02 of the Revised Code that 63949  
substitutes the term "state education aid" for the term "SF-3 63950  
payment" is subject to the referendum. Therefore, under Ohio 63951  
Constitution, Article II, Section 1c and section 1.471 of the 63952  
Revised Code, the amendment takes effect on the ninety-first day 63953  
after this act is filed with the Secretary of State. If, however, 63954  
a referendum petition is filed against the amendment, the 63955  
amendment, unless rejected at the referendum, takes effect at the 63956  
earliest time permitted by law. 63957

**Section 821.12.** (A) Except as otherwise provided in division 63958  
(B) of this section, the amendments by this act to section 5111.20 63959  
of the Revised Code are subject to the referendum. Therefore, 63960  
under Ohio Constitution, Article II, Section 1c and section 1.471 63961  
of the Revised Code, the amendments take effect on the 63962  
ninety-first day after this act is filed with the Secretary of 63963  
State. If, however, a referendum petition is filed against the 63964  
amendments, the amendments, unless rejected at the referendum, 63965  
take effect at the earliest time permitted by law. 63966

(B) The amendment to division (H)(3)(a) of section 5111.20 of 63967  
the Revised Code is not subject to the referendum. Therefore, 63968  
under Ohio Constitution, Article II, Section 1d and section 1.471 63969

of the Revised Code, the amendment goes into immediate effect. 63970

**Section 821.15.** (A) Except as otherwise provided in division 63971  
(B) of this section, the amendments by this act to section 63972  
5126.055 of the Revised Code are subject to the referendum. 63973  
Therefore, under Ohio Constitution, Article II, Section 1c and 63974  
section 1.471 of the Revised Code, the amendments take effect on 63975  
the ninety-first day after this act is filed with the Secretary of 63976  
State. If, however, a referendum petition is filed against the 63977  
amendments, the amendments, unless rejected at the referendum, 63978  
take effect at the earliest time permitted by law. 63979

(B) The amendment to section 5126.055 of the Revised Code 63980  
that strikes through "5123.16" and inserts "5123.161" is not 63981  
subject to the referendum. Therefore, under Ohio Constitution, 63982  
Article II, Section 1d and section 1.471 of the Revised Code, the 63983  
amendment goes into immediate effect. 63984

**Section 821.18.** (A) Except as otherwise provided in division 63985  
(B) of this section, the amendments by this act to section 5727.87 63986  
of the Revised Code provide for or are essential to implementation 63987  
of a tax levy. Therefore, under Ohio Constitution, Article II, 63988  
Section 1d, the amendments are not subject to the referendum and 63989  
go into immediate effect when this act becomes law. 63990

(B) The amendment to division (A)(2)(b) of section 5727.87 of 63991  
the Revised Code is subject to the referendum. Therefore, under 63992  
Ohio Constitution, Article II, Section 1c and section 1.471 of the 63993  
Revised Code, the amendment takes effect on the ninety-first day 63994  
after this act is filed with the Secretary of State. If, however, 63995  
a referendum petition is filed against the amendment, the 63996  
amendment, unless rejected at the referendum, takes effect at the 63997  
earliest time permitted by law. 63998

**Section 821.21.** If the amendment or enactment in this act of 63999

a codified or uncodified section of law is subject to the 64000  
referendum, the corresponding indications in the amending, 64001  
enacting, or existing repeal clauses commanding the amendment or 64002  
enactment also are subject to the referendum, along with the 64003  
amendment or enactment. If the amendment or enactment by this act 64004  
of a codified or uncodified section of law is not subject to the 64005  
referendum, the corresponding indications in the amending, 64006  
enacting, or existing repeal clauses commanding the amendment or 64007  
enactment also are not subject to the referendum, the same as the 64008  
amendment or enactment. 64009

**Section 824.03.** The General Assembly, applying the principle 64010  
stated in division (B) of section 1.52 of the Revised Code that 64011  
amendments are to be harmonized if reasonably capable of 64012  
simultaneous operation, finds that the following sections, 64013  
presented in this act as composites of the sections as amended by 64014  
the acts indicated, are the resulting versions of the sections in 64015  
effect prior to the effective date of the sections as presented in 64016  
this act: 64017

Section 109.572 of the Revised Code as amended by both Am. 64018  
Sub. S.B. 185 and Am. Sub. S.B. 238 of the 126th General Assembly. 64019

Section 111.18 of the Revised Code as amended by both Am. 64020  
Sub. H.B. 94 and Am. Sub. S.B. 74 of the 124th General Assembly. 64021

Section 323.153 of the Revised Code as amended by both Am. 64022  
H.B. 595 and Am. Sub. H.B. 672 of the 123rd General Assembly. 64023

Section 711.131 of the Revised Code as amended by both Sub. 64024  
H.B. 231 and Sub. S.B. 115 of the 125th General Assembly. 64025

Section 2921.42 of the Revised Code as amended by both Sub. 64026  
H.B. 150 and Am. Sub. H.B. 285 of the 120th General Assembly. 64027

Section 3301.0714 of the Revised Code as amended by Am. Sub. 64028  
H.B. 79, Am. Sub. H.B. 137, Am. Sub. H.B. 276, and Am. Sub. H.B. 64029



530 of the 126th General Assembly.	64030
Section 3313.64 of the Revised Code as amended Am. Sub. H.B. 137, Am. Sub. H.B. 530, Sub. S.B. 164, and Am. Sub. S.B. 238 of the 126th General Assembly.	64031 64032 64033
Section 3314.03 of the Revised Code as amended by Am. Sub. H.B. 79, Am. Sub. H.B. 137, Sub. H.B. 184, Am. Sub. H.B. 276, Sub. H.B. 422, Am. Sub. H.B. 530, Sub. S.B. 164, and Am. Sub. S.B. 311 of the 126th General Assembly.	64034 64035 64036 64037
Section 3317.03 of the Revised Code as amended by both Am. Sub. H.B. 79 and Am. Sub. H.B. 699 of the 126th General Assembly.	64038 64039
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.	64040 64041 64042
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.	64043 64044
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.	64045 64046
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.	64047 64048
The finding in this section takes effect at the same time as the section referenced in the finding takes effect.	64049 64050
<b>Section 824.06.</b> 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.	64051 64052 64053 64054 64055